

IN THE MATTER OF  
THE APPLICATION OF  
ROBERT S. BUNDY, SR., AND SUSAN M.  
BUNDY -PETITIONERS  
FOR A ZONING RECLASSIFICATION  
FROM D.R. 5.5 TO B.L. ON PROPERTY  
LOCATED ON THE SOUTH SIDE JOPPA  
ROAD, 125' +/- W OF THE CENTERLINE  
OF RIDGELY AVENUE  
(3237 E. JOPPA ROAD)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\*  
\* CASE NO. R-99-184  
\*

\* \* \* \* \*

#### O P I N I O N

This case comes before the Board on petition for a reclassification from D.R. 5.5 to B.L. for property located at 3237 East Joppa Road on the south side of Joppa Road, 125 feet west of the centerline Ridgely Avenue, also approximately 850 feet east of Harford Road. The case was heard on March 9, 1999.

Since 1989, Petitioners had leased the property located at the corner of Joppa road and Ridgely Avenue, 3239 East Joppa Road, which was zoned B.L. and improved with two buildings. One building on the corner of Ridgely and Joppa Road was used as a beauty salon, and the other building down Ridgely Road is a one-story structure containing a sub shop.

In 1994, Petitioners bought 3239 East Joppa Road and the property in question, 3237 East Joppa Road, on which is located a one-story dwelling which is rented to tenants. That property was zoned D.R. 5.5. Approximately 20 percent of the property is currently zoned B.L. and the zoning demarcation line runs along the east building wall of the dwelling. The entire property encompassing both parcels is approximately 1/2 acre. Petitioners contended that the change in the zoning was justified by a combination of substantial changes in the neighborhood, before and after the 1996 Comprehensive Zoning Map Process, and the occurrence

of events that were unknown to the County Council in the last comprehensive rezoning.

Petitioners did not submit a documented site plan, but Mr. Bundy explained that he intended to remove the existing buildings, which were in disrepair, and erect a new structure. This would be some type of building with off-street parking which would meet the Baltimore County requirements as far as parking and setbacks were concerned.

Petitioners contend that the County Council was in error during the last rezoning, since inspection of the premises owned by the Petitioners would have shown that off-street parking that remained after Baltimore County acquired a portion of the property for the widening of Joppa Road required patrons to back their cars into Ridgely Avenue creating a traffic hazard. In addition, they contend that flooding exists in the commercial structures at 3239 East Joppa Road. This occurred as a result of the widening of Joppa Road and the County's efforts to improve the corner of Ridgely Avenue and Joppa Road, which failed to provide adequate drainage, resulting in flooding of the Petitioners' buildings. The Petitioners contend that, if the County Council had eliminated the split-zoning on the subject property by making it B.L., the Petitioners could have removed the existing structures and replaced them with a building at a higher elevation. In addition, the Petitioners contend that there has been a substantial change in the neighborhood in that approximately one-third of the properties on the south side of Joppa Road from Harford Road to the power lines

of Ridgely's Choice are zoned commercial. Also, the large D.R. 16 area that is west of Walther Boulevard is developed as Oak Crest Village Retirement Community which consists of several high-rise buildings and accessory structures. Since the last rezoning, the C.B.-zoned parcel at Oak Summit Avenue has been changed from a rented residence to an auto parts store and structural changes are being made to the C.B.-zoned property west of Burton Avenue. Petitioners contend that consideration of the past changes to the neighborhood, as well as the changed condition since the last rezoning, lead to a conclusion that there has been a substantial change in the character of the neighborhood.

Petitioners submitted Mr. Thomas Hoff as an expert who testified regarding the factors to be considered by the board under the County Code Section 2-356(j). Mr. Hoff stated that there would be no adverse effect upon population trends, availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewage, solid waste disposal facilities, schools, recreation facilities or other public facilities. He testified that, in his opinion, the Petitioners' potential uses that are available under B.L. zoning are compatible with the present and/or projected character of the surrounding area, and that it is consistent with the Master Plan, the County plan for sewage and water facilities, and the Capital Program. Mr. Hoff admitted that he had not looked at the Master Plan as to the Carney area.

Petitioners were not able to request rezoning during the 1992

zoning map process because they were not owners of the property and were forbidden to do so by their lease agreement. Petitioners did not request rezoning of the property in the 1996 zoning map process because they missed the filing date, although Petitioners became owners of the property in 1994.

People's Counsel contends that there was no substantial change in the character of the neighborhood in 1996 or in recent memory. In support of this contention, he presented Michael Rupp, President of the Carney Improvement Association, who discussed the concerns which led to the Association opposing commercial rezoning. Rupp also underlined the predominantly residential character of the area of single-family homes in the Joppa/Ridgely area. Ruth Baisden, President of the Greater Parkville Community council, also testified as a witness for People's Counsel and stated that she felt that the expansion of commercial zoning in the area would put additional stress on established residential communities. This would include added traffic which discourages residents from staying in the area or buying new homes.

Finally, People's Counsel presented Dennis Wertz, the County's area planner, who reviewed the neighborhood and discussed the annotated zoning map. He indicated that the business zoning requests nearest to the subject property either were denied (across Joppa Road -6-002) or resulted in C.B. zoning (to the east, 6-019, and to the northwest, 6-020, at Joppa and Oak Summit). Mr. Wertz testified that current zoning affords reasonable residential use along with the commercial corner. He felt that the zoning for



redevelopment was a proper subject for the year 2000 process.

Section 2-356 of the Baltimore County Code authorizes the Board of Appeals to hold hearings and grant reclassification of zoning filed by the legal owner of such property or by his legally authorized representative no later than forty-five (45) days prior to the beginning of the next succeeding cycle for rezoning.

Subsection (j) states:

Findings prior to reclassification. Before any property is reclassified pursuant to this section, the board of appeals must find:

(1) That, except as limited by the terms of subsection (j)(3) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.

In Wells v. Pierpoint, 253 Md. 554 (1969), the Court of Appeals stated that:

...there is a strong presumption in favor of the correctness of original zoning and of comprehensive rezoning, and that to sustain a piecemeal change therefrom, there must be produced strong evidence of mistake in the original zoning or comprehensive rezoning or else evidence of substantial change in the character of the neighborhood...and, of course, the burden facing one seeking a zoning reclassification is quite onerous.

The Court of Special Appeals in People's Counsel v. Beachwood, 107 Md.App. 627, 637-38 (1995) stated:

The Board of Appeals may not substitute its judgment for that of the County Council, even if it, had it been empowered, might have made a diametrically different decision. The circumstances under which it may overturn or countermand a decision of the County Council are narrowly constrained. It may never simply second guess.

Petitioners in this case face a heavy burden in requesting reclassification of the subject property. Petitioners missed the

opportunity to request reclassification of the property during the 1996 Comprehensive Zoning Map Process. It was evident that the County Council knew the area well since other requests for rezoning in the immediate area were considered and in some instances granted, and in others denied. Thus, the Petitioners' argument that the Council was not aware of the situation in the immediate area of the property in question cannot be sustained.

In addition, the widening of Joppa Road took place before the 1996 rezoning process. The fact that there is a flooding situation, caused by the reconfiguration of the corner of Joppa and Ridgely Roads, does not warrant a finding that there was a mistake on the part of the Council, or that the neighborhood has been substantially changed.

While the Board does consider that the issue of split-zoning may be an issue of relevance to the County Council in the upcoming comprehensive rezoning process, it is not an issue which the Board considers to be in the nature of a mistake made by the Council during the 1996 rezoning process. The Board would recommend that the issues for a zoning change be raised with the County Council by Petitioners during the 2000 comprehensive map process so that the Council may determine if another classification would be more appropriate.

Although People's Counsel raised the issue as to whether or not the proposed reclassification was compatible with the consistency of the current and prospective classifications under the Master Plan, the Board does not reach that issue since it has

based its decision on the lack of evidence of error by the County Council in the rezoning process and the failure to establish a substantial change in the neighborhood warranting reclassification.

O R D E R

IT IS THEREFORE this 6th day of May, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification filed by Robert S. Bundy, Sr., and Susan M. Bundy, requesting the reclassification of 3237 East Joppa Road from D.R. 5.5 to B.L., be and the same is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Lawrence M. Stahl, Panel Chairman

  
Thomas P. Melvin

  
Lawrence S. Wescott



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

May 6, 1999

Ronald A. Decker, Esquire  
MOORE, CARNEY, RYAN & LATTANZI  
4111 E. Joppa Road, Suite 201  
Baltimore, MD 21236

RE: In the Matter of Robert S. Bundy, Sr., and  
Susan M. Bundy /Case No. R-99-184

Dear Mr. Decker:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe for*

Kathleen C. Bianco  
Administrator

Enclosure

cc: Mr. & Mrs. Robert S. Bundy, Sr.  
c/o Ronald A. Decker, Esquire  
Thomas J. Hoff, Inc.  
James Earl Kraft /Bd of Education  
People's Counsel for Baltimore Co.  
Pat Keller  
Jeffrey Long /Planning  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty



RE: PETITION FOR ZONING RECLASSIFICATION \*  
3237 E. Joppa Road, S/S Joppa Rd. 125' W of c/l \*  
Ridgely Ave., also appx. 850; E of Harford Rd, \*  
11th Election District, 6th Councilmanic \*

Legal Owners: Robert S. Bundy, Sr. & Susan M. Bundy \*  
Petitioners \*

BEFORE THE  
COUNTY BOARD OF APPEALS  
FOR BALTIMORE COUNTY

Case Number: R-99-184  
Item No. 1, Cycle IV, 1998

\* \* \* \* \*

### MEMORANDUM OF LAW

#### INTRODUCTION PARAGRAPH:

Robert S. and Susan Bundy own two improved parcels at the intersection of Joppa Road and Ridgely Avenue. A small dwelling, which is rented to tenants, is located at 3237 E. Joppa Road. That property is the subject of this Petition to change its zoning classification to D.R. 5.5 to B.L. Twenty percent (20%) of the property is currently zoned B.L., and the zoning demarcation line runs along the east building wall of the dwelling. The Petitioners' other property, on the corner of Joppa Road and Ridgely Avenue, 3239 E. Joppa Road, is zoned B.L. and is improved by two buildings. One is rented to a pizza and sub shop, the other is used by the Petitioners as a beauty salon. A combination of substantial changes in the neighborhood, before and after the 1996 Comprehensive Zoning Map Process, and the occurrence of events that were unknown to the County Council in the last comprehensive rezoning justify changing the zoning from D.R. 5.5 to B.L.

#### STATEMENT OF FACTS:

The Petitioners' request for rezoning is somewhat unusual in that the justification for Board of Appeals action depends upon consideration of factors affecting both of the Petitioners' investment properties. The rezoning request must be granted to alleviate a hazardous situation caused by changes to Joppa Road and Ridgely Avenue, regrading of the roads which causes flooding of the retail buildings, and the change of the neighborhood from primarily residential to mixed commercial and residential.

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BALTIMORE COUNTY  
CLERK OF THE BOARD OF APPEALS

Joppa Road was a two-lane country road until it was widened to five lanes. Ridgely Avenue was a narrow two-lane road until it was widened. Both of these road improvements required the taking of land from the corner property. Also, the intersection was raised several feet as a result of the road improvements, parking spaces were eliminated, and patrons are forced to back their vehicles into Ridgely Avenue, creating a serious safety hazard. The chance of an accident happening has been exacerbated by the development of the Upton residential area at the south end of Ridgely Avenue, thus creating more traffic along that road.

Although the Petitioner did not submit a documented site plan, Mr. Bundy explained that he intends to remove the existing dilapidated building, erect a new structure which would comply with all Baltimore County requirements as to off-street parking and setbacks. He did not make an effort to rezone the property during the 1992 zoning map process because he was forbidden by his lease agreement, and that he did not do so in the 1996 process because he missed the filing date. The Petitioners became owners of the subject properties on April 6, 1994, and have entered this Petition so that a dangerous traffic exposure can be eliminated, their building can be relocated to a higher elevation to avoid water damage caused by flooding from Joppa Road rainwater runoff, and to provide a structure which would be more aesthetically pleasing. Rezoning to B.L. is the only means to accomplish their goals; rezoning to C.B. would not permit them to have an economically viable structure.

Mr. Thomas J. Hoff, an expert retained by the Petitioners, testified that restrictions contained in C.B. zoning as they pertain to setbacks and parking spaces would make it impossible to justify improving the conditions on the two adjacent properties. Utilizing the current right-of-way setbacks, off-street parking requirements, and property line setbacks, Mr. Hoff has prepared two sketches of building and parking layouts that would be permitted under C.B. and B.L. zoning. These were prepared because the Planning Board had indicated in its report that C.B. zoning would be considered in the next Comprehensive Zoning Process. As can be seen on the attached C.B. zone layout sketch, rezoning of the 6,240 square feet

will only permit a building with a footprint of approximately 2,100 square feet. If B.L. zoning is allowed, development would be more feasible because fifty percent more square feet of retail space would be permitted.<sup>1</sup> If the improvements cannot be made, the existing structures will not be replaced and the exposure to traffic accidents will continue.

Petitioners' Exhibit 5, photographs of the existing property, parking spaces and road improvements, is graphic evidence of a need to make a rezoning change once a decision has been made that the character of the neighborhood has changed or, in the alternative, that a mistake was made during the last Comprehensive Zoning process. The house on the subject property was built in 1930 and only contains 748 square feet. People's Counsel Exhibit 7. The health and general welfare of the public would be improved immeasurably by replacing the two structures with a building that is architecturally compatible with other buildings in the neighborhood.

Many changes have occurred since the record plat for the Carney Grove Subdivision was recorded in October, 1921. The subject properties were shown on the plat as Lots 22 and 23, each 25 feet wide. Lots 24, 25 and 26 comprise the corner properties at 3239 E. Joppa Road. The combined rear lot line of both parcels is only 84 feet. The side lot lines are 153 feet to 159 feet. The existing B.L. zoned parcel is incapable of being improved under current county regulations, and a combination of the two corner parcels would have severe limitations as to permitted uses. Although there are several uses permitted under B.L., as a practical matter, only a few could be utilized on the Petitioners' land. These include the current retail uses, which are ideal for serving the local community.

Several changes have occurred over the years. The cumulative effect of those changes have severely affected Petitioners' property. East Joppa Road was a two-lane, rural road with low traffic

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<sup>1</sup>These sketches are not meant to be site plans. They reflect the result of complying with off street parking, setbacks from residential property, and setback from right of way requirements contained in Baltimore County Zoning Regulations 229.1, 229.6, 409.1, 409.6, 409.8 and 409.11.

volume for many years. The explosive growth that occurred in the Carney and Perry Hall areas have necessitated widening the road from two lanes to five lanes. Intersections at Joppa and Harford Roads and Joppa and Belair Roads have had to be significantly upgraded to handle the volume of the cars passing through daily. Many lots have been rezoned to commercial uses along Joppa Road. In the last Comprehensive Rezoning Process, eight of the ten proposed reclassifications from D.R. 5.5 to commercial zoning, including four to B.L. zoning, were approved along the 3100 through 3600 block of East Joppa Road. People's Counsel Exhibit 10. At the March 9, 1999 hearing, community representatives from The Carney Improvement Association and Greater Parkville Community Council testified that there has been increased traffic on Ridgely Road, and both were concerned about near miss accidents, both representatives observed that the existing buildings essentially are eyesores. Mr. Michael Rupp, in an understatement, said that the outward appearance of the buildings did not enhance the neighborhood. Mrs. Ruth Baisden had serious concerns about increased traffic along Ridgely Road, which had been a dead-end street, and was broken through to accommodate access to new townhouses and apartments. Importantly, Mrs. Baisden said that the Highs Store, which is across the street from the Petitioners' property, has taken away the residential character of the neighborhood. Also, she acknowledged the presence of the construction of an adult daycare center two blocks from the Petitioners, and the increased construction at Oak Crest Village.

Attached is a portion of the Baltimore County One Thousand Feet Scale Zoning Map. The Petitioners assert that the area shown on the attached portion of the map is the neighborhood that has been affected by changes. It is the same general area identified by People's Counsel by his highlighting of various properties subject to zoning review in 1996. People's Counsel Exhibit 10. It appears that approximately one third (1/3) of the properties on the south side of Joppa Road from Harford Road to the power lines at Ridgely's Choice are zoned commercial. In addition, the large D.R. 16 area that is west of Walther Boulevard is the large Oak Crest Village Retirement Community which consists of several high-rise buildings and accessory structures. Since the last rezoning, the C.B. zoned parcel at Oak Summit



Avenue has been changed from a rented residence to an auto parts store, per County Planner, Dennis Wertz, and structural changes are being made to the C.B. zoned property west of Burton Avenue. Consideration of the past changes to the neighborhood as well as changed conditions since the last rezoning, leads to a conclusion that there has been a substantial change in the character of the neighborhood.

Petitioners claim that there were errors made by the County Council during the last rezoning process. This arises out of a failure to respond to known conditions at the time of rezoning as well as not having knowledge of subsequent events which could not have been considered. The County Council has an obligation to approve zoning maps that are designed to reduce congestion in the roads, to promote safety from fire, panic and other dangers, and to promote health and the general welfare. Baltimore County Code, Section 26-116. During the last rezoning process, an inspection of the jointly owned premises owned by the Petitioners would have shown that the off-street parking, that remained after Baltimore County's acquisition of property, required patrons to back their cars into Ridgely Avenue. This traffic hazard should have raised a concern about the best way to alleviate the situation. By not addressing the hazard, the County Council failed to take into consideration a known defect which imperiled the public. As a practical matter, the County Council cannot be expected to examine every parcel in the County and they depend on citizens, landowners and the Planning Office to identify problems to be addressed. Mr. Wertz testified that he had conversations with the Councilman who serves the 6th Councilmanic District, and that no mention was made of Mr. and Mrs. Bundy's property.

A finding of error would be supported not only by the failure to consider a known hazard, but also the lack of knowledge about an existing condition that could not have been observed by physical inspection. This latter item refers to flooding of the existing commercial structures at 3239 E. Joppa Road. Baltimore County's efforts to improve Ridgely Avenue and Joppa Road and failure to provide adequate drainage resulted in flooding that damaged the Petitioners' buildings. Baltimore County acknowledged its

responsibility for the poor design by paying for the loss. This occurred after the 1996 Comprehensive Rezoning Process according to Mr. Bundy. The County has taken no steps to eliminate the flooding that occurs during heavy rainstorms when water overflows the curbs on the south side of Joppa Road and accumulates in the lower elevation parking lot adjoining Ridgely Road. If the County Council had eliminated the split zoning on the subject property by making it all B.L., the Petitioners could have removed the existing structures and replaced them with a building at a higher elevation. Although the Petitioners could ask for the ability to have parking in a D.R. 5.5 zone, the topography of the land and the fact that the parking spaces would be to the rear of the structure, eliminate that option as a viable choice.

Mr. Thomas Hoff, the Petitioners' expert, testified regarding the factors to be considered by the Board of Appeals under Baltimore County Code, Section 2-356(j). He stated that there would be no adverse affect upon: population trends, availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid waste disposal facilities, schools, recreation facilities, or other public facilities. He opined that the Petitioners' potential uses that are available under B.L. zoning are compatible with the present or projected character of the surrounding area and that it is consistent with the Master Plan, the County Plan for Sewerage and Water-Supply facilities, and the capital program.

Several members of the community signed a petition in support of the Petitioners' application. Petitioners' Exhibit 8. Lisa Ropka, the owner of the home next to the subject property signed the petition in support of rezoning. The two previously mentioned community groups expressed their opinions that the reclassification should be denied, but the objection was primarily based on the lack of a site plan. Many of the problems identified, such as traffic congestion, no sidewalks, risk of accidents, would be alleviated if the rezoning were granted because improvements to the lots would have to meet the current zoning regulation requirements as to off-street parking, number of driveways to the parking lot, setbacks, landscaping and sidewalks. Additionally, Baltimore County's Master Plan includes the Carney section of the eastern sector of Baltimore County as a community conversation area. The Plan seeks to encourage

effort to maintain and enhance the physical, social and economic resources of such older communities. The Petitioners' desire to accomplish the same goal, but are stymied because the subject parcel is zoned at D.R. 5.5 which does not permit improvements that would retain the present retail establishments. If the parcels could be consolidated under B.L. zoning, the existing obsolete structures would be replaced, the community would be improved, and the general welfare of the public would be enhanced.

ARGUMENT:

The Board of Appeals has the right to reclassify zoning if there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was reclassified or if the last classification of the property was established in error. Baltimore County Code 2-356(j)(1). In considering whether there has been a substantial change in the character of the neighborhood, the re-adoption of the County Zoning Map and Plan without change is entitled to a presumption that it was a deliberate confirmation of the earlier decision, but changes between the time of the initial zoning and the confirmation should not be wholly disregarded. Muhly v. County Council for Montgomery County, 278 Md 543, 143 A2d 735, at 737 (1959). Changes which occurred prior to the rezoning can be considered with regard to the significance of subsequent changes. Chevy Chase Village v. Montgomery County Council, 258 Md 27, 264 A2d 861, at 869 (1970). The Petitioner must identify the neighborhood, the change, and must convince the Board that the change resulted in a change of character of the neighborhood. Chevy Chase, *supra*, page 867. In addition, the petitioner for rezoning has the burden of proving that the proposed use would not be a detriment to the public interest. Bowman Group v. Moser, 112 MdApp 696, 686 A2d 643, cert. den., 344 Md 568, 688 A2d 416 (1996). The applicant can prove that there was a change of neighborhood by referring to road upgrades, prior rezonings, new infrastructure, and new commercial development since previous zoning. Bowman Group *supra*, page 645. A change of character in the neighborhood may justify a reclassification from residential to B.L. zoning when the changes include commercial rezoning within 2,000-3,000 feet and commercial construction was completed across the street.

Himmellheber v. Chernock, 258 Md 636, 267 A2d 179, at 182 (1970).

Although the County Council confirmed the prior zoning of the Petitioners' property in 1996, there have been significant changes that have occurred since the rezoning which, when combined with the previous changes to the neighborhood, result in the cumulative effect that there has been change in the neighborhood which would justify rezoning the D.R. 5.5 parcel to B.L. The opening of Ridgely Avenue to townhouses and apartments greatly increases the exposure to accidents involving patrons entering Ridgely Avenue from the parking lot, and significant commercial construction has taken place in the immediate vicinity. Changes in the neighborhood require a change in zoning so that obvious defects and hazards can be corrected. The Petitioners have clearly shown that rezoning would be beneficial, not detrimental to the public interest.

To show a mistake, the Petitioners must show that the initial premises of the County Council were incorrect, that subsequent events have occurred that the County Council could not have contemplated, or that defects were not readily discernible. Howard County v. Dorsey, 292 Md 351, 438 A2d 1339, at 1344 (1982); People's Counsel of Baltimore County v. Beachwood I Ltd. Partnership, 107 MdApp 627, 670 A2d 484, at 493 (1995). The Board of Appeals must make specific findings of error. Beachwood supra, at 500. The error may be based on a finding that the County Council's factual predicate was incomplete or inaccurate. *Id.*

Given that the County Council's Comprehensive Zoning must have a relationship to the public health, comfort, order, safety, convenience and general welfare, Stump v. Grand Lodge of Ancient, Free, etc., 45 MdApp 263, 412 A2d 1305, at 1308 (1980); and those same considerations apply to rezoning, Wier v. Whitney Land Company, 257 Md 600, 263 A2d 833, at 841 (1970), it is incomprehensible that the County Council would have retained the existing zoning if it was aware of the existing traffic hazard. Also, it had no way of knowing that roadway changes would cause flooding of the existing buildings at 3239 E. Joppa Road.

Baltimore County's public policy is to have off-street parking for commercial uses. Baltimore County Zoning Regulation 409.1. In fact, the Court of Appeals has found that the failure to anticipate the need for shopping center's requiring sufficient depth from a roadway to accommodate stores and parking should be regarded as an error. If rezoning were not permitted, there would be no adequate room left for parking. Pressman v. City Council of Baltimore City, 222 Md 330, 160 A2d 379, at 384 (1960).

Perhaps the County Council's failure to eliminate the split zoning, and classify the entire lot as B.L., was due to a lack of knowledge about the common ownership, as well as a lack of information about the traffic hazard. Fortunately, the Board of Appeals has the right to correct the mistake.

A mistake has been found where parcels could only be developed if combined, that the County Council could not have foreseen the situation, and that combined ownership and proposed use would remove a health hazard. People's Counsel for Baltimore County v. The Prosser Company, Inc., 119 MdApp 150, 704, A2d 483, at 498 (1998). The only way that the Petitioners can economically eliminate the traffic accident hazard and eliminate the flooding problem caused by Baltimore County, is to have the two parcels combined for development. The existing B.L. zoning must be extended to cover all of the Petitioners' property at East Joppa Road and Ridgely Avenue. The failure to act based on existing facts and projected trends which are reasonably probable of fruition is evidence that its actions are based on a misapprehension. Mistake can also be shown by reviewing physical facts not readily visible or discernible. Boyce v. Sembly, 25 MdApp 433, at 5051, 334 A2d 137, 142-143; Beachwood *supra* at 493.

The People's Counsel presented argument during the hearing that the property can be used under its existing zoning and that the neighborhood is primarily residential. These facts, standing by themselves, do not bar the Board of Appeals from finding a mistake and rezoning the property. Rohde v. Board of Appeals for Baltimore County, 234 Md 259, 199 A2d 216, at 220 (1964); Temminck v. Board of Zoning Appeals of Baltimore County, 205 Md 489, 109 A2d 85, at 88 (1954). There is no inherent objection to the creation of small districts within a residential zone for the operation of grocery stores and barber shops

for the accommodation and convenience of residents of the residential zone. Temmink, supra.

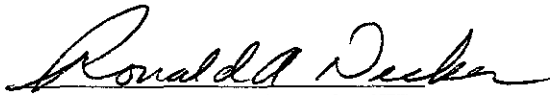
Once a mistake or change of character of the neighborhood is established, the next step in the Board of Appeals deliberation is to determine whether a change is warranted. White v. Spring, 109 MdApp 692, 675 A2d 1023, at 1031 (1996). There appears to be no reason not to grant the rezoning. Unsightly buildings presently occupy the property, patrons back their cars into Ridgely Road exposing themselves and others to traffic accidents and endanger pedestrians while they walk the entire length of the property along Ridgely Avenue. A flooding problem created by the County would be eliminated if a new building could be erected at a slightly higher elevation on the subject property. B.L. zoning, not C.B. zoning, is the only classification which will permit the Petitioners to conduct business similar to what presently exists, and the expanding population of the community would be better served by a more modern and accessible facility. There are thousands of people living in the apartments, townhouses, individual homes and Oak Crest Village which would have better lit and safer stores to patronize.

#### SUMMARY:

The evidence produced in this proceeding shows that there has been a substantial change in character of the neighborhood, that the County Council made a mistake when it confirmed the existing zoning, and that a rezoning change is warranted. There has been a significant change in the character of the neighborhood due to road widenings, property taken from Petitioners by the County, increased commercial zoning and commercial uses and increased traffic. Rezoning would enable the Petitioners to address defects found by the Planning Board. They described the dwelling on the subject property as suffering from deferred maintenance and concluded that the current commercial property is deficient in the following areas: (1) small site size; (2) unattractive buildings; (3) excessive building coverage; (4) insufficient and undefined parking area along Ridgely Avenue resulting in need for drivers to back up directly onto Ridgely Avenue; (5) no landscaping; and (6) unattractive signage. People's Counsel Exhibit 13, Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals, January

21, 1999, page 8. The Petitioner respectfully requests that the Board of Appeals make the necessary findings so that these deficiencies, and others identified above, can be corrected.

Respectfully submitted,



RONALD A. DECKER, ESQUIRE  
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4111 E. Joppa Road, Suite 201  
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Tel.# (410) 529-4600 Fax #(410) 529-6146

Attorney for Petitioners

**CERTIFICATE OF SERVICE**

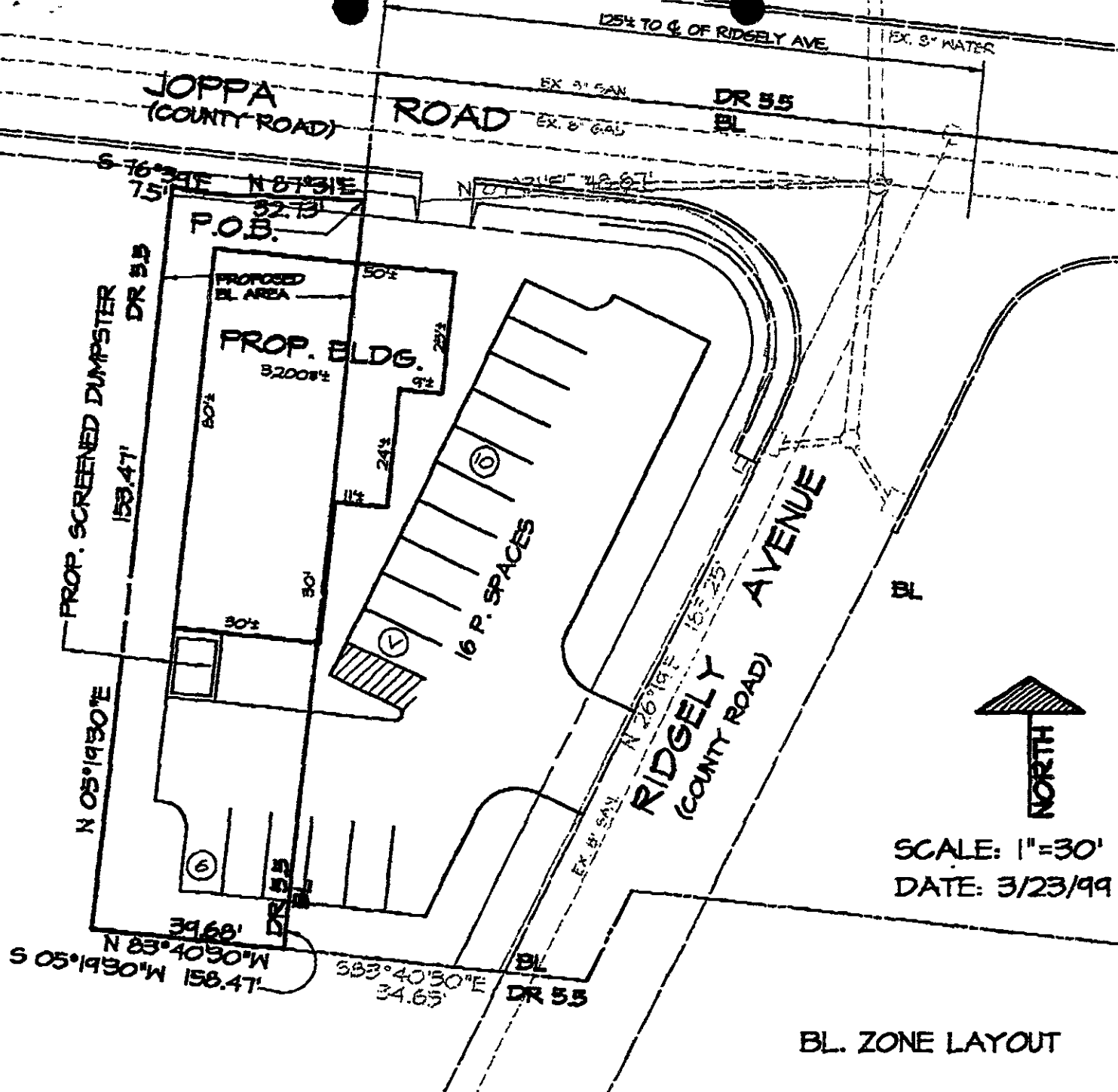
I HEREBY CERTIFY, that on this 8<sup>th</sup> day of April, 1999, a copy of the foregoing Memorandum of Law was mailed, postage prepaid, first class mail to:

Peter Max Zimmerman  
People's Counsel for Baltimore County  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, Maryland 21204

  
Ronald A. Decker







ROBERT & SUSAN BUNDY PROPERTY

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3237 East Joppa Road  
CARNEY GROVE SUBDIVISION  
TAX MAP #71, GRID #16,  
PARCEL #1142, LOTS 22 & 23  
ELECTION DISTRICT II  
COUNCILMANIC 6  
BALTIMORE COUNTY, MD



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(1926-1992)

April 8, 1999

County Board of Appeals of  
Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

99 APR -8 PM 3:54  
COUNTY BOARD OF APPEALS

Re: In the Matter of Robert S. Bundy, Sr. and  
Susan M. Bundy  
Case No. R-99-184

Gentleman :

Please find enclosed an original and three copies of a Memorandum of Law to be filed on behalf of Robert S. Bundy, Sr. and Susan M. Bundy, the Petitioners in the captioned proceeding.

Please date stamp a copy of this letter and return it to the person delivering the Memorandum of Law.

Sincerely yours,

  
Ronald A. Decker

RAD/slm

cc w/encl: Mr. & Mrs. Robert S. Bundy, Sr.

10/99  
RE: PETITION FOR ZONING  
RECLASSIFICATION

3237 E. Joppa Road, South side Joppa Rd.,  
125' West of centerline Ridgely Avenue,  
also appx. 850' East of Harford Road,  
11th Election District, 6th Councilmanic

**ROBERT S. AND SUSAN M. BUNDY, SR.**  
Petitioners-

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* FOR BALTIMORE COUNTY  
\* **CASE NUMBER: R-99-184**  
\* (Item No. 1, Cycle IV, 1998)

\* \* \* \* \*

## PEOPLE'S COUNSEL'S MEMORANDUM

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I. There is no legally sufficient evidence of mistake here.

II. There was legally insufficient evidence to warrant B.L. zoning.

99 APR -8 AM 11:58  
COUNTY BOARD OF APPEALS

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RE: PETITION FOR ZONING	*	BEFORE THE
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	*	CASE NUMBER: R-99-184
<b>ROBERT S. AND SUSAN M. BUNDY, SR.</b>		
Petitioners	*	(Item No. 1, Cycle IV, 1998)

\* \* \* \* \*

## PEOPLE'S COUNSEL'S MEMORANDUM

### Introduction

Petitioners request commercial zoning (B.L., Business-Local) of a residential parcel at 3237 Joppa Road in Carney. The property is in the old Carney Grove residential subdivision. It is used as a residence and has been rented for many years.

In 1994, Petitioners bought this property for investment. It is mainly zoned D.R. 5.5. They also acquired the adjacent 3239 Joppa Road, at the Joppa /Ridgely Avenue corner, zoned B.L. They had leased since 1989. The corner has two buildings. The first is a converted house, now a beauty salon. The second, down Ridgely, is a one-story structure, formerly a pub, now a sub shop.

The residential parcel is 7278 square feet, one-sixth of an acre. The zoning line bisects the property. About 80% is D.R. 5.5 (6240 square feet), and the rest commercial. The corner parcel is listed by Real Property Information records as 15,600 square feet. This data, along with the zoning map and logs, suggests Petitioners' entire property is about one-half (1/2) of an acre.

### **Zoning and Uses in the Vicinity**

Carney Grove lies south of Joppa Road, running between 12th Avenue on the west and Burton Avenue on the east. It has single-family homes fronting each of these streets, as well as Ridgely Avenue, which runs south from Joppa through the center of the subdivision. The predominant zoning and use in the immediate area is residential.

Planner Dennis Wertz produced an annotated map, showing locations of homes as well as commercial zones and uses in the area. On the south side of Joppa Road, east of Petitioners' property, are the small strip center at the southeast corner of Joppa and Ridgely, zoned B.L. and vacant property under renovation, zoned C.B. (1996 map issue 6-029). Further to the east, beyond the residential enclave of Burton Avenue, are the Enchanted Child Care and Deerfield Senior Center, zoned B.L. (Map issue 6-042).

On the north side of Joppa, the zoning again is mainly residential. In 1996, the owner of the land north of the T-intersection of Joppa and Ridgely requested commercial zoning, but the County Council kept it residential (Map Issue 6-002). Across from Petitioners' property, the land is vacant. To the west, at the northeast corner of Oak Summit, is a lot zoned C.B. (Map Issue 6-020). At the northwest corner is a lot zoned B.L., in multi-tenant commercial use.

Petitioners have claimed that their property is surrounded by commercial uses. But the map shows the essentially residential character of this section of Joppa Road.

### **The Joppa Road Widening**

Joppa Road is an old Indian path. It is one of the oldest county roads. Currently, it runs from Falls Road east into Towson, then to Belair Road, and eventually to Pulaski Highway. It is a well-known east-west county connector. In parts, it is residential, and in parts, commercial, with gradations in between. It varies in width.

In the late 1980s, the County undertook widening of Joppa Road in the Carney area, between Harford Road and Belair Road. The widening was mainly on the north side, with incidental improvement on the south side. Property owners affected by the widening were compensated, as required by law.

Dennis Wertz dated the widening from 1988. Petitioners' landscape architect, Robert Hoff, admitted it was done by the early 1990s. The widening was thus complete prior to the 1996 comprehensive zoning. Petitioners were aware of it, as they consented to allow their sellers, the Stansburys, to receive the compensation.

The Joppa Road widening does not prevent the continued use of the Petitioners' property. They complain of flooding problems due to the improvement which rounded the Joppa/Ridgely corner, and they have a dispute with the county. But this involves engineering or grading, and is not a true zoning issue.

### **The 1996 Comprehensive Zoning Process**

On October 8, 1996, the County Council enacted the countywide comprehensive zoning map, completing a process begun in 1995.



The Council was familiar with Carney. It is an established area, bounded by well-known roads. The Council had supervised the budgeting and appropriations for Joppa Road improvements. Moreover, there were a substantial number of commercial zoning requests made by property owners in the vicinity of the subject property.

In the 1996 process, Petitioners never complained about their zoning. They failed to raise their property as an issue. Nor did the Planning Staff, Planning Board, or Council consider their property worthy of rezoning to a different classification.

After all, the subject property has been, like many others in the area, occupied by an older home for many years. There was no cataclysm which dictated any change in 1996. Robert Bundy testified that he did know about the 1996 process until it was too late for him to make a request, but that is not the Council's fault.

On the other hand, community associations in the area, such as the Greater Parkville Council, were active in the process. They expressed concerns about commercial development in the area and its adverse impact on single-family home neighborhoods.

In this context, the June 15, 1995 Planning Board Guidelines for the 1996 Comprehensive Zoning Map Process, Page 5, included as their first guideline:

“1. Only those requests that conform to the radial development structure of the County should be granted. Requests for substantial zoning changes to non-residential zones on cross-county roads such as Joppa Road generally should not be supported.”

The guidelines also included:

"3. Where applicable, the newly created zones (since 1992) should be considered when the placement of this new zone would enhance and protect the surrounding communities. These include the Automotive Service (AS) district , as well as SE, ROA, CB, BLR, and O-3.

6. Zoning requests that adversely impact adjacent residential areas should not be granted.

10. Zoning requests should be reviewed for both their short and long term effects on the financial resources of the County."

### **The Petitioners' Case**

The Bundys live in Jarrettsville in Harford County. They acquired their Joppa Road property in 1994. They purchased it voluntarily. They have not provided any information on revenues and expenses from current residential rental and commercial operations. There is no genuine claim of financial hardship.

The property is in need of maintenance. This is Petitioners' responsibility (not the County's). Mr. Bundy said his accountant advised him to get the property rezoned before putting more money into it, and left it at that.

He did add his complaint about flooding problems, which he attributed to the modification to the corner of Joppa and Ridgely. Flooding will occur or not occur regardless of the zoning classification.

Robert Hoff, a landscape architect, said that, with the road improvement, it would make sense to redevelop the entire property commercially. He felt B.L. would be the best zone for that purpose, given the property's size and limited area for building setbacks. He did not present a specific or documented site plan or limit on potential uses.

So far as the record discloses, he did not review the 1996 Comprehensive Map process or logs of issues, or the 1995 guidelines. He conceded he had not reviewed the Master Plan. Nor did he dispute that D.R. 5.5 zoning is consistent with the historic residential use of the subject property.

Hoff's thrust was toward redevelopment, although he never said when it might occur. (Indeed, Mr. Bundy proffered a lack of funds for a documented site plan). Hoff never addressed the potential for continuation of existing zoning, or for R.O.A. zoning to convert to Residential-Office use.

Hoff thought the size of the combined property suitable for B.L. But he never addressed many uses permitted by right or special exception which appear incompatible with residential surroundings (nightclub, tavern, fast-food restaurant, arcade, etc.). Hoff rejected the Planning Office comment that C.B. zoning (Community-Business) zone should be considered. He thought this would involve setback variances. But he never showed for certain that the site could not be developed without variances or showed that variances could not be granted for a reasonable C.B. use.

### **The People's Counsel's Presentation**

Michael Rupp, President of the Carney Improvement Association ("Carney IP"), discussed concerns which led Carney IP to oppose commercial rezoning. There was no change in the character of the neighborhood since 1996, or in recent memory. There was no need for additional commercial use in this part of Carney, given the centers around the Harford/Joppa intersection and to the west. He saw probable aggravation of traffic access

and congestion problems on the corner property. He cited the poor track record of Petitioners in maintaining their current commercial use and causing a nuisance on Ridgely Avenue.

Rupp underlined the predominantly residential character of the area of single-family homes in the Joppa/Ridgely area. He noted overwhelming opposition of residents in the immediate area to the expansion of commercial zoning.

Ruth Baisden, President of the Greater Parkville Community Council, testified based on her experience with planning and zoning issues. She observed that any expansion of commercial zoning in this area would by its presence put additional stress on established residential communities. This would include the added traffic, which discourages residents from staying in the area or buying new homes. She saw each commercial rezoning as part of an insidious process in which other commercial rezonings might follow, eroding residential property values.

Turning to the subject proposal, she objected that it lacked any transition zone to protect the residential area, and any site plan to assure screening, a buffer area, and noise reduction. She also pointed to the Parkville Council's resolution, which noted "commercial properties along Joppa Road that are underutilized or vacant." She emphasized ongoing plans to improve the Parkville area and its central business district.

Dennis Wertz, the County's area planner, reviewed the neighborhood and discussed his annotated zoning map. He showed every 1996 comprehensive zoning map issue. The business zoning requests closest to the subject property either were denied (across Joppa Road, 6-002) or resulted in C.B. zoning (to the east, 6-019, and to the

northwest, 6-020) at Joppa and Oak Summit. This reinforces the point that the Council clearly was familiar with the area. As noted, in 1996, no one suggested any change to the D.R. 5.5 zoning on the subject property.

Wertz said that current zoning affords reasonable residential use, along with the commercial corner. He responded to the argument about rezoning for redevelopment, viewing it as a proper subject for the year 2000 process. He outlined the legislative zoning process, the Planning Board and Council hearings, the opportunity for citizen input, and the comprehensive nature of the review.

Moreover, assuming the Council were inclined to rezone to another classification, Wertz saw C.B, R-O, and R-O-A as appropriate, rather than B.L. (whether or not variances might be involved in any of the classifications). He described a number of specific uses in the B.L. zone which are incompatible with the adjacent residential area.

Wertz also commented on the Joppa Road improvements. These began in 1988 and were finished in the early 1990s. The project was well-known to the Council. For all these reasons, Wertz saw no mistake in the 1996 D.R. 5.5 zoning, and further found B.L. zoning to be inappropriate.

### **Argument**

### **Scope of Review**

A piecemeal rezoning case, of a single property, is different from the ordinary administrative law case, and different even from the usual zoning case (such as a special exception or a variance). Usually, the Board of Appeals makes a *de novo* judgment of

first impression, subject to statutory standards. But in a rezoning case, the Board reviews legislative judgment, so that the its own scope of review is limited.

Zoning is an exercise of “police power,” the basic lawmaking power to provide for public safety, health, and welfare. A legislative zoning classification must be upheld if fairly debatable. Euclid v. Ambler Realty Co., 272 U.S. 365 (1926). The representative branch of government thus has broad discretion.

Judge Charles Moylan explained it this way, in another rezoning case, People’s Counsel v. Beachwood, 107 Md.App. 627, 637-38 (1995):

“In the less routine institutional configuration of this case, however, the deference that is due is exponential. Both the trial court and this Court are called upon to determine, albeit, deferentially, whether the Baltimore County Board of Appeals was, in its turn, appropriately deferential to the Baltimore County Council. The Board of Appeals may not substitute its judgment for that of the County Council, even if it, had it been so empowered, might have made a diametrically different decision. The circumstances under which it may overturn or countermand a decision of the County Council are narrowly constrained. It may never simply second-guess.”

### **The Mistake-Change Rule**

The Court of Appeals established the “mistake-change” rule to protect the comprehensive zoning process and limit piecemeal rezonings. To illustrate, we shall examine several Baltimore County cases involving requests for commercial zoning with analogous issues. This history will show the legal insufficiency of the factors which Petitioners urge here to support their request.

In 1955, Baltimore County established residential zones based on square footage and housing type, called the “R” zones. With the same set of zoning regulations, there

were established business zones (B.L., B.M., and B.R.). The County then zoned comprehensively by sectors, rather than countywide.

Miller v. Abrahams, 239 Md. 263 (1965) addressed the Board of Appeals' approval of a rezoning from R.6 (the predecessor of D.R. 5.5) to B.L. on Old Court Road. The petitioner had claimed mistake. He relied heavily on an "Item 21" in the County Council's agenda, which purported to accept the Planning Board's recommendation of residential zoning. In fact, the Planning Board had recommended B.L. zoning.

The Court observed that this is not germane:

"First, we are not dealing with a matter of correcting a possible clerical error, or establishing a motivating cause for the Council's action, but with a matter of whether or not the Council made a basic and actual "mistake," as that term is used in zoning law, at the time when it classified the property as R-6. Therefore, no matter what reason prompted the Council's action, it was still incumbent upon the Petitioner, if he were to be successful, to meet the heavy burden of establishing such a mistake in the classification of the property."

But the Board had accepted this argument, and others summarized below.

The Court analyzed the Board opinion in detail, along with expert planning testimony. Chief Judge Prescott wrote, in pertinent part:

"When carefully scrutinized, the crux of his (the expert's) grounds for believing that a mistake had been made was the 'strategic' location of the property in relation to 'proposed' new roads and 'proposed' improvements to old ones, supplemented by the weight he placed on Item 21, and his belief of no adverse effect upon other properties and that the location of existing shopping centers inconvenienced the public in going to and from them..."

In the end, none of this revealed actual mistake on the part of the Council, which had exercised legislative judgment. As a result, the Court of Appeals reversed the Board.

Wells v. Pierpont, 253 Md. 554 (1969) reversed another Board approval of a rezoning from R.6 to B.L., this time in Woodlawn, at the corner of Windsor Mill Road and Clarke Avenue. The Court found the evidence legally insufficient. Judge McWilliams described and applied the scope of review:

"It is now firmly established that there is a strong presumption in favor of the correctness of original zoning and of comprehensive rezoning, and that to sustain a piecemeal change therefrom there must be produced strong evidence of mistake in the original zoning or comprehensive rezoning or else evidence of substantial change in the character of the neighborhood... And, of course, the burden of proof facing one seeking a zoning reclassification is quite onerous."

Petitioner argued for a "change" since the 1962 comprehensive map. Its expert "cited the widening of Woodlawn Drive (Clarke Avenue) in 1964 as the most significant evidence of change..." But the Court pointed out that the widening was contemplated at the time of the comprehensive rezoning, and said:

"Since Woodlawn Drive is the warp and woof of the neighborhood's 'character,' it seems idle to argue that it has been changed thereby."

Petitioner's expert also relied on several piecemeal rezonings in the area, for apartments or commercial use. The Court found the apartment rezonings irrelevant. As to commercial rezoning, of the Gwynn Oak Amusement Park tract a half mile away, the Court was "reluctant to hold that the neighborhood extends so far", but in any event found it more of an intensification of commercial use, rather than a change. There was also argument about construction of a large new firehouse which could hold crab feasts and other social functions. The Court saw nothing in this germane to rezoning.



The next year, the Court issued Westview Park Improvement Ass'n v. Hayes, 256 Md. 575 (1970), another case where the Board granted piecemeal rezoning from R.6 to B.L., with a special exception for a filling station. Mobil Oil Corporation operated a station on commercially zoned property, leased at the corner of Ingleside Avenue and Johnnycake Road. It then sought rezoning of the adjacent Johnnycake residential tract to enlarge the station. The Board found the expansion reasonable, given new legislation which established a minimum size of 15,000 square feet for new service stations.

Judge Singley wrote,

“As we see the case, this misses the point. Certainly, it is no longer necessary to do more than restate the Maryland rule. There is a strong presumption of the correctness of original zoning and of comprehensive rezoning,... and to sustain a piecemeal change therefrom, there must be strong evidence of mistake in the original zoning or of a substantial change in conditions.”

Mobil's real estate representative testified the existing commercial zoning was not sufficiently deep to satisfy current commercial demands, due to “tremendous expansion in the general area.” The Court found this to be “an unsupported conclusion which seems far from the mark...” Moreover, the expansion was oriented to Johnnycake Road, a residential area. The Court concluded:

“In the absence of any supporting evidence, the reclassification was arbitrary and capricious and must be declared invalid.”

The very same year, 1970, the Court also published Germenko v. County Board of Appeals, 257 Md. 706, this time affirming the Board's denial of a commercial rezoning in the Lansdowne-Arbutus area. Here, the property owner claimed his half-acre lot to be

unsuitable for residential development. He showed that it fronted on Hollins Ferry Road, a dual highway 120 feet wide, and that its terrain was rough and below grade, due apparently to recent road improvements.

But the existing residential zoning allowed for the development of two lots. The petitioner had consciously purchased the property for investment. The Court wrote:

“... neither the fact that rezoning may result in a more profitable use of the land nor that hardship may follow the retention of an existing classification is sufficient justification for rezoning.”

In 1970, the County Council modernized residential zoning and established the “Density Residential” (D.R.) zones, based essentially on maximum densities. Each new zone does, however, bear some resemblance to an earlier “R” zone. Thus, as noted, the R.6 zone was comparable to the new D.R. 5.5 zone. The business zones remained the same. The next comprehensive rezoning, in 1971, was also the first countywide rezoning. Following that, in 1976, began the quadrennial process which survives today.

Trainer v. Lipchin, 269 Md. 667 (1973) concerned the Board’s approval of a commercial rezoning in Lutherville. The property was on the south side of Ridgely Road, adjacent to railroad tracks and also bordered by a BGE substation, but in a block otherwise residential. Across Ridgely, however, was a large retail development dominated by a shopping center (currently known as Yorkridge).

The owners sought rezoning of 4.16 acres (1.76 acres frontage, D.R. 16; the rest, D.R. 3.5) to B.L. They made familiar arguments, which the Court outlined:

“They contended that the rezoning would have no significant impact on the traffic volume in the vicinity; that the present widening of York Road

would ease the existing traffic problems; that the subject property, facing commercial development across the street, should have been placed in the same category; and that it was impractical to erect apartments on that site as contemplated by the D.R. 16 and D.R. 3.5 classifications.” 269 Md., at 670.

The protestants, on the other hand, countered with evidence similar to the evidence presented by Mr. Rupp and Ms. Baisden in the present case. The Board rezoned the front 1.76 acres. It found the property had “completely lost its residential character,” that apartments were not suitable, and that commercial use would do no real harm. The Court of Appeals reversed, and held off what it described as “yet another assault on the countywide comprehensive zoning maps adopted by the Baltimore County Council...” 269 Md., at 668.

Judge Levine discussed specifically the York Road widening (then at a much earlier stage than the completed Joppa Road widening in Carney):

“Although the widening project was advertised for bids in September, 1971, there is nothing in the record to show that the Council, upon adopting the comprehensive zoning map in March, was unaware of the plans. We think it unlikely that it was.” 269 Md., at 673.

He also noted expert testimony that it was not “practical” to build apartments because of site constraints and commercial development across the street. The judge concluded:

“Here, the vague and unsupported expert testimony, however emphatic, does not take the place of the necessary factual support that would prove an applicant is denied all reasonable use of his property. Appellee’s experts merely invoked economic infeasibility as some form of magic incantation in hope of transposing one zoning use to another. Such general statements and use of magic words are ineffective. In order to obtain rezoning on the basis of an unconstitutional confiscation an applicant must show that he has been deprived of all reasonable use of his property and that it could not be used for any of the permitted uses in the existing zone.” 269 Md., at 676.

The availability of at least one potential special exception use, for offices, “underscore[d]” the failure to show such deprivation.

Judge Rita Davidson then delivered Boyce v. Sembly, 25 Md.App. 43 (1975). The request matched the type of request here, from D.R. 5.5 to B.L. It involved 5.84 acres on Railroad Avenue, 480 feet south of its intersection with Seminary Avenue. The property, across from railroad tracks, was occupied in part by a nonconforming building materials and lumber supply yard, and five frame buildings in “bad state of repair.” Part was undeveloped. The Board granted B.L. for 2.3 acres in the area of the building yard. The Circuit Court reversed, finding no probative evidence of “mistake.” The CSA affirmed the Circuit Court and thus sustained entirely the comprehensive rezoning.

Judge Davidson explained the scope of review and provided useful examples:

“It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the time of the comprehensive zoning, *Bonnie View Club, supra*, ... (mineshaft and subsurface rock formation); by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account, *Overton*, ... (topography); or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of comprehensive zoning... *Jobar Corp.*, ... (need for apartments).” 25 Md.App., at 51-52.

Turning to the subject of expert testimony, she wrote:

“Moreover, in reviewing the evidence before the Board, it must also be noted that the opinion or conclusion of an expert or lay witness is of no greater probative value than that warranted by the soundness of his underlying reasons or facts... The Court of Appeals and this Court have stated that an opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so.” 25 Md.App., at 53.

Judge Davidson then showed the legal insufficiency of the “mistake” claim on Railroad Avenue. She first addressed petitioners’ basic argument about use. An expert real estate witness and the contract purchaser testified that the property was “unsuitable for residential development because of its physical characteristics and its proximity to the railroad tracks;” that there was substantial floodplain; that the stream would have to be bridged at great expense; that the maximum permitted density of 35 units could not be achieved; and that, in conclusion, “... residential development would be economically unfeasible.” 25 Md.App., at 54. Nevertheless, she wrote:

“They acknowledged that the subject property presently contains a profitable nonconforming use and that a single-family residence had been located on the western portion of the tract. They further conceded that the property was adjoined on the west and north by land upon which single-family development had taken place; that single-family development presently existed along the right-of-way of the railroad on land adjoining or lying in close proximity to the subject property...” 25 Md.App., at 54.

Judge Davidson held insufficient the evidence of unsuitability. It was weak, unsupported by specific or sound reasons. Anyway, there was no evidence that the Council was unaware of the property’s readily visible physical characteristics and location.

Petitioners stressed development of a large furniture store at the Seminary/Railroad intersection, and of extensive commercial apartment uses in the area. But none of these were in the immediate block bounded by Seminary, Railroad, the Harrisburg Expressway, and the Beltway. Once again, in any event, there was no evidence "... to indicate that the Council was unaware of either the zoning classifications or development which had taken place between 1955 and 1971." 25 Md.App., at 56.

Next, Petitioners focused on proposed widening of the Harrisburg Expressway, and Beltway interchange improvements. But the Council was aware of the interstate highway widening.

Finally, Petitioners pointed out that their existing nonconforming use was compatible with neighboring uses, that it would remain, and that rezoning "... was sought only for the purpose of permitting the owner to update and improve his present facilities..." 25 Md.App., at 59. Again, there was no evidence to show the Council unaware of the existing use. In any event, it was the public policy of the County to drive nonconforming uses out. Moreover, the grant of B.L. zoning would allow any of the many permitted uses in that zone, not just the lumberyard.

Judge Davidson concluded that "the record is totally devoid of any evidence..." to show mistake. Despite all the testimony and arguments presented, she wrote:

"Under all of the circumstances in this case the presumption of validity accorded to the comprehensive rezoning was not overcome and the question of "error" or "mistake" was not "fairly debatable." 25 Md.App., at 60.

The strong standards set to protect and respect the legislative zoning process remain to this day. Judge Davidson carried them forward after her elevation to the Court of Appeals in Howard County v. Dorsey, 292 Md. 351 (1982).

More recently, the Court wrote in County Council v. Offen, 334 Md. 499 (1994):

“Our decisions have consistently recognized that appellate review of a comprehensive rezoning is limited in scope. We explained in *Ark Read-Mix Concrete Corp. v. Smith*, 251 Md. 1, 4... (1968) that ‘zoning is a legislative function, and ... [w]hen a comprehensive map designed to cover a substantial area is adopted, it is entitled to the same presumption of correctness as an original zoning.’ The presumption of correctness is particularly difficult for a property owner to overcome:

‘For an individual property owner to escape the binding impact of a comprehensive rezoning he must show that the plan lacks the necessary relationship to the general public interest and welfare that is presumed or that the effect of the plan is to deprive him of any reasonable use of his property.’”  
(Citations omitted).

The above cases form part of the background which led Judge Charles Moylan to his scholarly analysis in the Beachwood case. Nevertheless, each generation brings with it renewed assaults on comprehensive rezoning.

### **Baltimore County’s Quadrennial Comprehensive Zoning Process**

Baltimore County has since 1971 operated with a quadrennial comprehensive rezoning process, recurring in 1976 and every four years thereafter. This process is now codified in County Code Sections 26-122 to 26-125.

The Court of Appeals approved the process in Nottingham Village v. Baltimore County, 266 Md. 339 (1972). It sustained 1971 comprehensive rezoning decisions in Stratakis v. Beauchamp, 268 Md. 643 (1973) and in Trainer v. Lipchin, *supra*. Then, in

1974, Judge Davidson devoted particular attention to the quadrennial nature of the process in Coppolino v. County Board of Appeals, 23 Md.App. 358 (1974).

The petitioner requested to rezone property on Ebenezer Road, near Belair Road, from D.R. 5.5 to D.R. 16, about triple the density. Like Boyce, Coppolino analyzes theories of "mistake." It also states "... that the recommendations of a planning body with respect to a comprehensive rezoning are not binding upon the legislative body." See Nottingham, *supra*; Stratakis, *supra*.

But Coppolino especially stands out for its discussion of Baltimore County's quadrennial cycle of comprehensive rezoning. Judge Davidson wrote:

"We see nothing in the 'cyclical' zoning scheme adopted by the Council which impels a modification of this rule [the presumption in favor of comprehensive zoning]. The fact that comprehensive rezoning may occur in Baltimore County with greater frequency than has been the case in the past does not alter the fact that it will result from careful study of changes occurring in wide areas and an assessment of future public needs and purposes. Indeed, in our view, the system will enhance the stability and permanence of zoning classifications by assuring that the majority of zoning classifications are determined in accordance with a carefully considered integrated plan of development, based upon a full understanding of the present and future needs of a broad area, rather than upon a piecemeal review of limited scope." 23 Md.App., at 369-70.

The process affords access to and input from staff, departments, property owners, neighboring citizens, and published or in-process materials. These include budget and appropriations documents, public works information, master plans, and relevant updates. Anyone can apply for rezoning consideration, a year in advance. The Planning Staff, Planning Board, and Council can initiate issues. There is public notice, and notice by mail to affected property owners. The Staff makes recommendations. The Planning



Board holds hearings in the spring (one in each Council district) and recommends in June. The Council holds its own set of hearings and enacts in October a comprehensive map by ordinance for each district.

This is the process which the County Council consummated here with its October 8, 1996 comprehensive zoning ordinances. No one called for a change to Petitioners' property on Joppa Road.

### **The Codification of Mistake-Change in Baltimore County**

In Bills 122-78 and 46-79, Baltimore County codified the mistake-change rule. It set up a multifaceted test, currently found in Sec. 2-356(j) of the County Code. This statute requires, first of all, proof of mistake or change as those terms have explained in the case law. Secondly, it requires proof that the requested zoning is warranted. Thirdly, in connection with these findings, it requires consideration of a number of items, including the master plan. To fail any one of these is fatal.

#### **I. There Is No Legally Sufficient Evidence of Mistake Here**

It should be apparent from the above cases that the type and quality of Petitioners' evidence here fall well short of the "mistake" standard. Nevertheless, let us take a closer look.

There is no real argument about unsuitability of development in the existing zone. There is a rented house on the subject property, and a functioning pair of commercial buildings on the corner. The failure of Petitioners to maintain these properties in excellent condition is neither a fault of the Council, nor an excuse for rezoning.

If the argument is that the property should be redeveloped along with the corner property, then that is a judgment call for the Council as to whether that is appropriate and, if so, then what is the proper zoning. It is neither germane to the question of mistake, nor, to quote Judge Levin, a form of magic incantation to produce rezoning. Hoff's concept of potential commercial development is vague, at best. In any event, there is absolutely no evidence that the Council was unaware of the location or condition of the property.

Hoff argued that the Joppa Road area is commercial, and that commercial zoning should therefore be extended. In fact, zoning and uses along Joppa Road are mixed. The subject property is bordered by residential zoning or uses to the north, west, and south. This part of Joppa Road is more residential than commercial. There are, moreover, many properties on or near the dividing line between residential and commercial zoning. There are also properties in the lesser commercial zones (C.B. and R.O.).

Anyway, there is again no evidence that the Council was unaware of the location or conditions of the property. Indeed, the Council addressed a number of specific issues in the area very nicely. It rejected requests for intense commercial zoning nearby, in favor of D.R. or C.B. zoning. It allowed some additional business zoning farther away.

Upon a comparable request to extend commercial zoning, the Court of Appeals discussed in County Council v. Gendleman, 227 Md. 491 (1962) whether the Council's refusal was arbitrary and capricious:

"The nub of the problem here is the familiar one in many zoning cases – the effort to preserve lands in a residential area from erosion by a spreading or

swelling commercial tide. And, as in many other such cases, the problem is where the line should be drawn and held. To a very large extent the solution of that problem is left to the legislative body exercising zoning powers, and that is true here. It has been held repeatedly by this court that 'where the legislative body has rezoned or refused to rezone property, the court cannot substitute its judgment for that of the legislative body, if the question is fairly debatable, nor can the court substitute its judgment for the action of the zoning authorities as to the wisdom of the action taken.'"

The Court went on to uphold the Council's action. The principles which it invoked as to the legislative prerogative to draw zoning lines was reinforced in Board of County Comm'rs v. Farr, 242 Md. 315 (1966) (Oppenheimer, J.)

The present case falls into this familiar pattern. It is up to the Council how far, and in what form, it wishes to extend commercial zoning along Joppa Road. In the comprehensive process, it can consider argument of the Petitioners and their experts, the neighboring community associations, and the county Planning Board and staff.

Petitioners also bring out the familiar refrain that a road widening requires commercial zoning. The logic of this argument is missing. There are many significant and well-traveled roads with residential sections. Most of them have been widened at one time or another. These improvements do not, *ipso facto*, dictate the removal of residential zoning. In any event, the Joppa Road widening was contemplated as far back as 1988 and was complete well before the 1996 comprehensive zoning process. The appellate courts rejected all sorts of road widening arguments in Wells, Germenko, Trainer, and Boyce.

Ultimately, Petitioners' request seeks to maximize economic return. This is understandable. But all zoning is by its nature restrictive. If rezoning were granted under guise of "mistake" to afford greater development potential, it would make a mockery of

comprehensive zoning. The Court of Appeals wrote in Cabin John Limited Partnership v. Montgomery County Council, 259 Md. 661 (1970):

“None of the witnesses presented by Cabin John said that no use could be made of the property under the present classification. No witness could have taken that position since the property is currently occupied for residential purposes. Rather, Hopkins appears to have based his conclusion that Cabin John was deprived of all reasonable use of the property upon his belief that it was more commercially feasible to use it for other than residential purposes. If that were to be the criteria of confiscation, zoning restrictions in many areas would collapse like a house of cards.”

The Court reinforced this principle in the important Stratakis case, cited above.

## **II. ~~There Was Legally Insufficient Evidence to Warrant B.L. Zoning~~**

Petitioner Robert Bundy said that he wanted commercial zoning before he put any more money into the property. Robert Hoff thought that B.L. zoning would be more suitable for redevelopment of the assembled property. But he provided no specifics. Apparently, he thought it was enough that there exist commercial uses in the neighborhood, and ~~that~~ Petitioners' own commercial use was run down.

This evidence is skimpier by far than that rejected in Boyce and other cases. In fact, the neighborhood is predominantly residential. But even if it is called mixed, that does not warrant redrawing of the zoning line to expand commercial use. Moreover, now there are more commercial zone options than B.L. The County Council, with input from Office of Planning and the Planning Board, is the proper body to assess the alternatives.

The Carney Improvement Association and Greater Parkville Council are, moreover, on firm ground in opposing added commercial stress on residential communities. They correctly identify problems with Petitioners' current commercial use.

It is icing on the cake that the 1995 Guidelines for the Comprehensive Zoning Process recommend against extensions of commercial zoning on Joppa Road.

Then, there is Dennis Wertz' observation of B.L. uses which are palpably incompatible with nearby single-family homes. See BCZR 230. He identified C.B. as a more logical candidate for rezoning to a more intense classification if the Council should judge rezoning appropriate in the year 2000 process. Compare BCZR 229. (Hoff belittled the C.B. zone, saying that it would entail variances. But even if variances were required, C.B. would still be superior to B.L. from the point of view of use compatibility, size, signage, and parking. It is to be remembered that the entire site is relatively small, and any redevelopment might well involve some variance.)

In sum, there is no proof that B.L. zoning is warranted. Given the upcoming comprehensive process, consideration of rezoning should await legislative review. It should be underlined that there are many new residential, office and business zone options available for consideration. Consequently, the comprehensive zoning process has a particularly meaningful function to perform here.

### **III. There Was No Evidence as to Consistency with the Master Plan**

In People's Counsel v. Mockard, 73 Md.App. 340, 347-51 (1987), the Court of Special Appeals highlighted the Sec. 2-356(j) statutory requirement that the Board consider and make findings concerning a detailed list of factors. This list includes "... consistency of the current and prospective classifications with the master plan..."

Here, Hoff admitted he had not reviewed the master plan in preparing to testify. He could not offer any information on the subject. Petitioners presented no other evidence. For this reason alone, the petition for zoning reclassification fails.

In Beachwood, *supra*, 107 Md.App., at 659-64, the Court found that failure to make the required 2-356(j) findings concerning impact on the Chesapeake Bay Critical Area was itself a fatal flaw. Here, we can go a step further. There is no probative evidence upon which the Board can even make a finding regarding consistency with the master plan. Petitioners have the burden to satisfy this requirement, and it is not met.

#### **IV. There Was No Substantial Change in the Character of the Neighborhood**

Petitioners suggest as an afterthought that the neighborhood has substantially changed in character, and is now commercial. Under the case law and Sec. 2-356(j), the change is measured from the date of the last comprehensive zoning, here 1996.

“Mistake” and “change” are often opposite sides of the same coin. See Boyce, *supra*, 25 Md.App., at 52, n.3. In Baltimore County, it is particularly difficult to show change since the last comprehensive map because of the quadrennial cycle.

Neighborhoods don’t ordinarily change much in character in a two or three year span.

The Court said in Prince George’s Co. v. Prestwick, 263 Md. 217, 228-29 (1971):

“This Court has frequently recognized that development of an area along the lines contemplated in the original comprehensive zoning is not such a change as would support a finding of substantial change in the character of the neighborhood.”

Prestwick approved the Board’s finding of no substantial change, despite arguments about area development, highway improvements, and other public works.

Highway improvements do not ordinarily change neighborhood character. In particular, highway widenings usually serve to facilitate traffic flow. In Helfrich v. Mongelli, 248 Md. 498 (1968), the Court had rejected the suggestion that highway widening is probative of change.

Later, in Cardon Investments v. Town of New Market, 302 Md. 77, 91 (1984), upon a request to rezone from General Commercial to Highway Service, the Court put highway and other improvements in perspective:

**“The highway improvements are those that have been, by nature and scope and location, those that were long contemplated. The completion in 1974 seems to be of no telling consequences in terms of the decision in 1971 to place this in a commercial category and the availability of adequate sewer facilities from a review of the record show nothing significant other than it ought to be able to take care of the property.”** (Emphasis supplied.)

Despite the persistency of claims based on highway widening, they are insufficient to prove either mistake or change.

In any event, proof of change does not itself warrant rezoning. The Court emphasized in Prestwick, 263 Md., at 228.

**“Even if there had been some significant evidence of substantial change in the character of the neighborhood it is established that change which would support a rezoning does not compel it absent probative evidence that no reasonable use can be made of the property in its current classification.”**

There is no legitimate claim of substantial change since 1996 in the present case. A cursory review of the evidence is enough for this conclusion. It is reinforced by the case law on the meaning of “change” in the zoning context. In any event, there is no suggestion that the Petitioners have been denied all reasonable use of their property.

## **V. Comment on Split Zoning**

Petitioners have attempted to gain some mileage from the zoning line which divides the subject residential property, so that a strip ten feet wide (20% of the property) is zoned B.L. This division is apparently the result of a drafting error. It is sensible to infer that the line was meant to be drawn on the property line dividing the residential parcel from the commercial parcel. In any event, the split zoning is in no way prejudicial to property rights, because B.L. incorporates by reference the permitted uses in the adjoining residential zone.

Petitioners are using the commercially zoned part of their residential property as a kind of camel's nose under the tent, with the idea to get the entire animal inside. This cannot substitute for proof of mistake or change, and proof that B.L. zoning is warranted.

## **Conclusion**

For all these reasons, the County Board of Appeals should and must deny the petition for zoning reclassification. The evidence is legally insufficient to grant it.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of April, 1999, a copy of the foregoing People's Counsel's Memorandum was mailed to Ronald A. Decker, Esq., 4111 E. Jeppa Road, Suite 201, Baltimore, MD 21236, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

# BALTIMORE COUNTY CODE

1988

AS AMENDED

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

1991

## ADMINISTRATION

### Article VII. Boards and Commissions

#### Division 1. Generally

- Sec. 2-311. Removal of members for failure to attend meetings.
- Secs. 2-312—2-330. Reserved.

#### Division 2. Aviation Commission

- Sec. 2-331. Established; duties.
- Secs. 2-332—2-350. Reserved.

#### Division 3. Board of Appeals

- Sec. 2-351. Term of members.
- Sec. 2-352. Compensation of members, sessions.
- Sec. 2-353. Removal of members.
- Sec. 2-354. Rules of practice and procedure.
- Sec. 2-355. Fees and expenses.
- Sec. 2-356. Delegation to board of interim power to change zoning classification of property; method of interim zoning reclassification; method for early action on reclassification due to public interest or emergency.
- Sec. 2-357. Suspension of reclassification petition filing during preparation of new or revised zoning map.
- Secs. 2-358—2-375. Reserved.

#### Division 4. Commission on Arts and Sciences

- Sec. 2-376. Definitions.
- Sec. 2-377. Established; purpose.
- Sec. 2-378. Membership and organization.
- Sec. 2-379. Commission officers.
- Sec. 2-380. Personnel.
- Sec. 2-381. Powers.
- Sec. 2-382. Commission meetings; public hearings; committees and advisors; reports; rules.
- Secs. 2-383—2-415. Reserved.

### Article VIII. Code of County Regulations

- Sec. 2-416. Statement of purpose and policy.
- Sec. 2-417. Definitions.
- Sec. 2-418. Code of county regulations.
- Sec. 2-419. Submission to county attorney.
- Sec. 2-420. Notice.
- Sec. 2-421. Adoption of regulation; changes in proposed regulations; notice of adoption.
- Sec. 2-422. Severability.

### Article IX. Grant Review Procedure

- Sec. 2-423. Grant review administrator.
- Sec. 2-424. Procedure.
- Sec. 2-425. Exemptions.

### Article X. False Alarms

- Sec. 2-426. Definitions.

(c) All fees shall be payable to Baltimore County, Maryland, and shall be collected by the agency at the time the appeal or petition is filed. (Code 1978, § 2-58.3)

→ **Sec. 2-356. Delegation to board of interim power to change zoning classification of property; method of interim zoning reclassification; method for early action on reclassification due to public interest or emergency.**

(a) *Powers generally.*

- (1) The board of appeals shall have the power to make a change as to the district, division, or zone within which a particular piece of property is classified (zoning reclassification) as hereinafter provided. As used in this section, the term "use" includes development, except where otherwise indicated by the context.
- (2) In addition to the authority vested in the board of appeals as described in subsection (a)(1) of this section, the board shall have the power to correct the official critical area map adopted pursuant to section 26-439 of this Code, subject to the requirements of this section.
- (3) The board of appeals shall be able to approve in conjunction with subsection (a)(1) or (a)(2) of this section any application for the use of growth allocation pursuant to the authority vested and procedure set forth herein and pursuant to section 26-123(g) and (h).
- (4) For the purpose of this section, the term "zoning reclassification" shall include all of the above.

(b) *Petition for zoning reclassification.* A petition for a zoning reclassification of a property (reclassification petition) may be filed with the board of appeals only by the legal owner of such property or by his legally authorized representative. Each such petition shall be filed no later than forty-five (45) days prior to the beginning of the

next succeeding cycle and shall include an explanation of the reasons why, in the petitioner's opinion, the reclassification sought should be made, set forth in sufficient detail to properly advise the county authorities required to review the petition. Any allegations of change in conditions as justification for the action sought shall be supported in the petition by precise description of such change and any allegation of error shall be so supported in similar detail and as further required by subsection (j) of this section. No such petition may be accepted for filing unless it meets the board of appeals' rules of practice and procedure, except that the petitioner may choose to submit plans that do not show any proposed use of the property under petition, regardless of any requirement in those rules to the contrary (see also subsection (a)(1)).

(c) *Schedule.* For the purpose of considering contemporaneous zoning reclassification petitions in relation to each other and according to a standard schedule, the following semiannually recurring schedule periods are hereby established, subject to provisions hereinafter set forth:

*April–October Cycle*

*October–April Cycle*

Period I April 16–May 31	and	October 16–November 30
Period II June 1–July 31	and	December 1–January 31
Period III August	and	February
Period IV September 1–	and	
December 31		March 1–June 30

(d) *Procedures.* With the exception of those reclassification petitions exempted under the procedure set forth in subsection (i) of this section, copies of all zoning reclassification petitions accepted for filing by the board of appeals shall be transmitted within five (5) days after receipt to the office of the zoning commissioner, who shall make the facilities and staff of his office available to the board of appeals for the purpose of:

- (1) Reviewing all such petitions for compliance with applicable statutes and regulations.
- (2) Preparing the appropriate advertisements.
- (3) Causing said advertisements to be published.

least fifteen (15) days prior to the time of such hearing, each property shall be conspicuously posted with notice of the time and place of the hearing on the petition relating thereto; and individual notice thereof shall also be given in two (2) newspapers of general circulation in the county for the period in which on-premises posting is required.

(h) *Hearings.* The board of appeals, during each Period IV, shall hold the hearings scheduled pursuant to subsection (g) of this section, subject to such postponement or continuation as circumstances may require.

(i) *Exemption from cyclical procedures.* In any case where the planning board certifies to the county council that early action upon a zoning reclassification petition is manifestly required in the public interest or because of emergency and the county council by an affirmative vote approves said certification, such petition shall be exempted from the regular, cyclical procedure of subsections (c) through (h) of this section and also from the suspension of reclassification petition filing required under section 2-357 of this division. For any such petition, the board of appeals shall schedule a public hearing for a date not less than thirty (30) nor more than ninety (90) days after the county council's approval of the planning board's certification. For a period of at least fifteen (15) days prior to the time of such hearing, notice of the time and place of the hearing relating to the property under petition shall be conspicuously posted thereon and shall be given in at least two (2) newspapers of general circulation in the county. Such notice shall describe the property under petition and the action requested therein. Within five (5) days after receipt of such a petition, the board of appeals shall forward a copy of such petition to the office of the zoning commissioner and the director of planning and zoning and, in the case of each petition pertaining to any land within the Chesapeake Bay Critical Area, a copy to the director of the department of environmental protection and resource management, for consideration and written report thereon containing their findings thereon with regard to compliance with zoning regulations, planning factors, or critical area standards, subject to sections 26-123(g) and (h) and 26-124(d) of this Code.

(j) *Findings prior to reclassification.* Before any property is reclassified pursuant to this section, the board of appeals must find:

- (1) That, except as limited by the terms of subsection (j)(3) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.
- (2) That the prospective reclassification of the property is warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including but not limited to all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program.
- (3) Any reclassification pertaining to land within the Chesapeake Bay Critical Area is subject to the following limitations:
  - a. 1. In accordance with Ann. Code of Md., Natural Resources article, § 8-1809(h), a reclassification, except for changes involving growth allocation that do not require changes to the underlying zones, may be granted only on proof of a mistake in the existing zoning or in the existing boundaries shown in the official critical area map or both; change in the character of the

neighborhood shall not be a basis for granting reclassification.

2. A reclassification involving growth allocation that does not require changes to the underlying zone or zones may be granted pursuant to the criteria set out in subsection (j)(3)b. of this section.
- b. In evaluating requests for reclassification, the board shall consider the criteria in COMAR 14.15.02 and the standards in appendix IV-B of the local protection program adopted by county council Resolution No. 13-88. No reclassification may be granted unless the board has made written findings that the proposed reclassification will:
  1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
  2. Conserve fish, wildlife, and plant habitat; and
  3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.
- c. Reclassifications in cases involving growth allocation shall be referred to the county planning board by the board of appeals for consideration and written report thereon, subject to section 26-123(g) and (h) of this Code.

(k) *Limitations on granting reclassification.* No zoning reclassification of property shall, for a period of one (1) year after a zoning map applicable thereto may by an ordinance of the county council have been adopted, be granted on the ground that the character of the neighborhood has changed.

(l) *Documentation.* If a zoning reclassification petition includes documentation relating to the proposed use of the property under petition, that documentation must include:

- (1) Elevation drawings and a plan satisfying the zoning commissioner's rules of practice and procedure and showing locations, coverage, floor areas, heights, character, and exterior materials of all proposed structures and all existing structures to be retained; and all existing structures to be removed; signs visible outdoors; all principal uses; hours of operation, maximum number of employees, and maximum levels of emanations (including sound and other vibrations, dust, odors, gases, light, and heat); parking and loading facilities; existing and proposed public and quasipublic facilities on and adjacent to the site, including storm-drain systems, waterlines, sewerage, streets and drives, and railroad sidings; existing ponds and other bodies of water, watercourses, one-hundred-year floodplains, major vegetations, and unusual natural formations and proposed changes with respect to any of these; screening and landscaping; and existing topography and proposed major changes in grade; and
- (2) An environmental impact statement, as defined in the county zoning regulations, that concerns the proposed use of the property under petition and that has been competently prepared by a professional planner or engineer of appropriate qualifications.

A plan submitted pursuant to this subsection may show the location of a precise building envelope (a clearly delimited area within which a building is to be entirely located but which is larger than the area covered by the building itself) in lieu of the precise location of a building; may show precise maxima and minima in lieu of fixed values; may set forth lists of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

(m) *Amendments.* A zoning reclassification petition (including any documentation relating to the proposed use of the property under petition)

## Title 26

### PLANNING, ZONING AND SUBDIVISION CONTROL\*

#### Article I. In General

- Sec. 26-1. Definitions.
- Sec. 26-2. Office of planning and community conservation.
- Sec. 26-3. Director of planning; deputy director of planning; zoning commissioner; deputy zoning commissioner; director of community conservation.
- Secs. 26-4—26-30. Reserved.

#### Article II. Planning Board

- Sec. 26-31. Meetings; rules of procedure.
- Sec. 26-32. Powers and duties generally; reimbursement of expenses.
- Sec. 26-33. Reference of matters to planning board by county executive or county council.
- Sec. 26-34. Recommendation of planning board advisory only.
- Sec. 26-35. Additional powers.
- Sec. 26-36. Authority to contract with consultants; assistance from other departments.
- Secs. 26-37—26-65. Reserved.

#### Article III. Planning

##### Division 1. Generally

- Sec. 26-66. Effect of proposals in master plan on applications for building permits or for approval of preliminary subdivision plans.
- Secs. 26-67—26-80. Reserved.

##### Division 2. Master Plan

- Sec. 26-81. Procedure for adoption; general purpose.
- Sec. 26-82. Scope.
- Sec. 26-83. Matters to be considered in preparation.
- Sec. 26-84. Coordination of development of county.
- Sec. 26-85. Action on specific projects.
- Secs. 26-86—26-115. Reserved.

#### Article IV. Zoning

- Sec. 26-116. Powers of county.
- Sec. 26-117. Validation of existing zoning regulations.
- Sec. 26-118. Record and copies of rules, regulations, etc.; certified copies of rules, etc., as evidence.
- Sec. 26-119. Penalty for violation of regulations, etc.
- Sec. 26-120. Injunctive proceedings.
- Sec. 26-121. Civil penalty for zoning violations.

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\***Charter references**—Office of planning and zoning, § 522 et seq.; people's counsel to defend master plan, zoning, etc., § 524.1.

**Cross references**—Aviation commission to advise planning and zoning authorities, § 2-331; advertising and signs, tit. 3; buildings and building regulations, tit. 7; community development, tit. 9; recording of plats by the clerk of the circuit court, § 11-87; environmental protection and resource management, tit. 14; housing, tit. 18; roads, bridges and sidewalks, tit. 31; solid waste, tit. 32; water and sewers, tit. 35.

**State law references**—Planning and zoning generally, Ann. Code of Md. arts. 25A, § 5(X); 66B.

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- Sec. 26-122. Division of county into districts, etc.; uniformity of regulations.
- Sec. 26-123. Preparation of zoning regulations, zoning maps and growth allocation procedure.
- Sec. 26-123.5. Comprehensive zoning map process fees.
- Sec. 26-124. Action by county council on adoption of zoning regulations and zoning maps and Chesapeake Bay Critical Area map procedures.
- Sec. 26-125. County council action on regularly revised zoning map.
- Sec. 26-126. Planning board reports.
- Sec. 26-127. Authority of zoning commissioner to provide for special exceptions and variances.
- Sec. 26-128. Files on zoning commissioner's hearing proceedings; basis of zoning commissioner's decision.
- Sec. 26-129. Review of zoning commissioner's decisions by board of appeals.
- Sec. 26-130. Zoning commissioner's docket.
- Sec. 26-131. Books and papers.
- Sec. 26-132. Appeals to county board of appeals.
- Sec. 26-133. Appeals from the county board of appeals.
- Sec. 26-134. Correction of zoning map.
- Sec. 26-135. Authority of director of permits and development management.
- Secs. 26-136—26-165. Reserved.

### Article V. Development Regulations

#### Division 1. Generally

- Sec. 26-166. Development policies.
- Sec. 26-167. Purposes.
- Sec. 26-168. Definitions.
- Sec. 26-169. Scope of regulations.
- Sec. 26-170. General exemption.
- Sec. 26-171. Limited exemptions.
- Sec. 26-172. Waivers.
- Sec. 26-173. Transfer of land in unapproved or expired subdivision.
- Sec. 26-174. Recording unapproved plat.
- Sec. 26-175. Enforcement and remedies.
- Sec. 26-176. Failure of county agency to act.
- Sec. 26-177. Fees.
- Sec. 26-178. Rules of procedure.
- Sec. 26-179. Delinquent accounts.
- Sec. 26-180. Compliance with other laws and regulations.
- Sec. 26-181. Code references.
- Secs. 26-182—26-200. Reserved.

#### Division 2. Development Review and Approval Process

- Sec. 26-201. General provisions.
- Sec. 26-202. Preparation of the concept plan.
- Sec. 26-203. The development plan.
- Sec. 26-204. Preliminary review.
- Sec. 26-205. County review.
- Sec. 26-206. Development plan approval.
- Sec. 26-206.1. Combined zoning and plan approval hearing.
- Sec. 26-207. Referral to planning board.
- Sec. 26-208. Procedure before planning board.
- Sec. 26-209. Appeals from final action on a plan.
- Sec. 26-210. Expiration of plan approval.
- Sec. 26-211. Amendments to plan.
- Sec. 26-212. Public works agreement to conform to plan.
- Sec. 26-213. Plat—Required.



- (2) On receipt of a notice of intention to stand trial, the director of zoning administration and development management shall forward a copy of the citation and of the notice of intention to stand trial to the District Court of Maryland for Baltimore County.
- (3) If the fine remains unpaid at the expiration of the thirty-five (35) days from the date of the citation, the director of permits and development management may request adjudication of the case in district court, at which time the person is liable for an additional fine not to exceed twice the original fine.
- (4) The county attorney shall prosecute civil zoning violations in the district court.
- (g) (1) The director of zoning administration and development management shall send a formal notice of violation to any person who received a citation and who fails to either pay the fine or elect to stand trial for the civil zoning violation.
- (2) If the fine remains unpaid at the expiration of thirty-five (35) days from the date of the formal notice of violation, the director of zoning administration and development management may request adjudication of the case in the district court.
- (3) If the citation is not satisfied within fifteen (15) days from the date of the formal notice of violation, the person is liable for an additional fine not to exceed twice the original fine.
- (h) Nothing contained in this section shall prevent the county from instituting any appropriate action or proceeding at law or in equity for the enforcement of zoning violations or the correction of such violations, and the provisions of this section shall be in addition to any other remedy allowed by law to the county for this purpose.  
(Code 1978, § 22-36.1; Bill No. 18, 1990, § 2; Bill No. 88, 1990, § 1; Bill No. 4, 1992, § 1; Bill No. 69-95, § 10, 7-1-95)

**Sec. 26-122. Division of county into districts, etc.; uniformity of regulations.**

For all or any of the purposes referred to in section 26-116 of this Code, the county shall be

divided into districts, divisions or zones of such number, shape and area as may be deemed best suited to carry out the purposes of this title, and within such districts, divisions or zones the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land may be regulated and restricted. All such regulations shall be uniform for each class or kind of building or structure throughout each district, division or zone, but the regulations in one (1) district, division or zone, may differ from those in other districts, divisions or zones. For the purposes of this title, the superimposition of a district onto one (1) or more zones or other districts shall have the same effect and shall be regarded as if a new zone had been established encompassing the area covered by the district and governed by the zone regulations, except as those may be enlarged, modified or limited by the district regulations.

(Code 1978, § 22-20; Bill No. 127-94, § 1, 8-5-94)

**Annotation**—Prior similar law cited in *Hedin v. Commissioners of Prince George's County*, 209 Md. 235, 120 A.2d 668 (1956).

**State law reference**—Authorized penalties, Ann. Code of Md. arts. 25A, § 5(A), 66B, §§ 7.01, 7.01(c).

**Sec. 26-123. Preparation of zoning regulations, zoning maps and growth allocation procedure.**

(a) The planning board shall from time to time recommend to the county council for adoption zoning regulations and zoning maps, showing the boundaries of the proposed districts, divisions or zones into which the county is divided pursuant to this title. The zoning maps shall also identify properties, sites, and districts which have been officially placed on the preliminary or final landmarks list of the county landmarks preservation commission or the National Register of Historic Places.

(b) The planning board from time to time may also recommend for adoption amendments or supplements to such regulations and may at any time, with prior approval by an affirmative vote of the county council, review the existing zoning maps in effect throughout the county or in some portion of the county within the URDL as the county council may designate, and recommend to the county council such comprehensive revisions

thereof as the board may deem advisable in the light of changed conditions or whenever the board recommends revisions or updates to the master plan pursuant to sections 26-81 and 26-82 and Section 523 of the Charter. Any legally adopted zoning map shall remain in effect until the county council shall have adopted a map or maps in substitution therefor. All such amendments or supplements to the zoning regulations and all such comprehensive revisions of the zoning maps shall be made in accordance with the same procedure herein specified for the original adoption of such regulations and maps. Except that the county council may amend at any time the official zoning maps in designated portions of the county in conjunction with the revisions or updates to the master plan, after receipt of recommendations from the planning board and in accordance with the procedures outlined in this section and in section 26-124(a), (b) and (c).

(c) After such zoning regulations and zoning maps have been approved by the planning board, it shall release a preliminary report thereon. Thereafter, and subject to the giving of at least twenty (20) days' public notice in two (2) newspapers of general circulation in the county, the planning board shall hold one (1) or more public hearings on the proposed zoning maps. The board may hold one (1) or more public hearings on the proposed regulations or on matters referred to the board by the county council, unless required to hold such hearings by resolution of the county council adopted pursuant to section 26-33. During the period of such notice, the preliminary report of the planning board, with accompanying maps and exhibits, if any, shall be available for public inspection in the county office building. After such hearing or hearings have been held, the director of planning shall submit to the county council a report containing the final recommendations of the planning board with regard to the proposed zoning regulations or maps as the case may be; and, in the case of zoning maps, a copy of the final map as approved by the planning board shall be attached to such report. In the event of any disagreement among the members of the planning board as to any part of the proposed zoning map or regulations, the dissenting member or members shall be entitled to file with the county

council one (1) or more minority reports stating the basis for their disagreement with the majority, which shall be included with the final report of the majority.

(d) Within the one-year period immediately preceding June 30, 1988, and within each one-year period immediately preceding June 30th of every fourth year thereafter, the planning board, after completely reviewing the zoning map then in effect, shall recommend to the county council a new or comprehensively revised version of such map, in accordance with the procedure set forth above. Within twenty (20) days after each such action, the director of planning shall transmit said proposed new or revised zoning map to the county council. The map shall identify as a separate issue each area or parcel of land recommended or considered by the planning board for a change in zoning. The provisions of this subsection are mandatory and shall apply regardless of any optional actions taken under subsection (a), (b) or (c) of this section.

(e) Beginning August 1, 1987, and August 1st of every fourth year thereafter and ending January 15, 1988, and January 15th of every fourth year thereafter, the following time periods for raising issues during the comprehensive zoning map process are hereby established:

	<i>Beginning</i>	<i>Ending</i>
Period 1. Public and planning director	August 1	October 31
Period 2. Planning board and planning director	November 1	November 30
Period 3. County council	December 1	January 15

During period 2, only members of the planning board and planning director may raise issues, and during period 3, only members of the county council may raise issues. No new issue may be raised by anyone after January 15th. The term "issue" or "issues" refers to a tract or parcel of land proposed for a change in zone or district classification.

(f) Except in those instances where a request for change in zoning has been initiated by the

property owner or owner's agent, the office of planning and zoning shall cause written notice to be sent by regular mail to all property owners whose property is being considered for a possible change or zoning classification. The notice shall advise the owner that the identified property is being

considered for a possible change of zoning classification and that further information may be obtained from the office of planning and zoning. Notices shall be mailed to the owner at the address shown on the tax assessment records of the county at least thirty (30) days prior to the planning board's final vote on the recommended map or maps to be submitted to the county council. Failure to send the notice provided herein or failure of the property owner to have received the same shall not invalidate or otherwise affect any change or changes in the zoning of the subject property.

(g) Growth allocation may be awarded subject to the following distribution constraints:

(1) The total growth allocation for the county is four hundred sixty-two (462) acres, of which up to one-half ( $\frac{1}{2}$ ) may be used to reclassify resource conservation areas to either limited development areas or intensely developed areas. The remaining portion may be used to reclassify limited development areas to intensely developed areas. The apportionment of these four hundred sixty-two (462) acres shall be determined as follows:

- a. One hundred (100) acres shall be reserved for those projects accepted by the county review group as of December 1, 1985;
- b. Twenty-two (22) acres have been approved by the county council through the phase 1 growth allocation process as adopted by Bill No. 35-88;
- c. Fifty and twenty-three hundredths (50.23) acres have been awarded through periodic design competitions, pursuant to the requirements as set forth in subsection (h) of this section, as of December 1, 1993;
- d. The total acreage remaining for growth allocation in the county as of the effective date of this legislation [July 12, 1994] shall be determined by the department of environmental protection and resource management (hereinafter referred to as DEPRM).

(2) No proposed development which involves growth allocation shall be exempt under section 26-171(a)

(3) a. An application for growth allocation which requires county council approval may be filed either with the submittal of the concept plan or with the submittal of the development plan, as otherwise required by section 26-202 and section 26-203.

b. An application for growth allocation which requires county board of appeals approval shall be filed with the petition for reclassification, as otherwise required by section 2-356.

c. A community input meeting (CIM), subject to the provisions of section 26-202(h), (i) and (j), shall be held prior to planning board review of growth allocation applications. A CIM required after the submittal of a concept plan and subject to the provisions of section 26-202, may be combined with the CIM required after the submittal of a growth allocation application.

d. The application shall be filed with the office of zoning administration and development management, which shall forward it to the DEPRM and the planning board, when required by section 2-356(j)(3)c.. DEPRM shall have seven (7) working days to accept or reject the application. An application shall be reviewed for acceptance to insure that sufficient preliminary information has been provided. DEPRM shall prepare a check list which will delineate what preliminary information is required.

e. DEPRM shall adopt and, from time to time, may amend administrative procedures for the review of growth allocation applications, which shall include the form of the application and the information necessary to review the application for acceptance.

(4) If the application is not accepted, it shall be returned to the applicant with a written explanation for its return. The applications

shall be resubmitted within twelve (12) months after the final community input meeting is concluded or after an exemption is granted under section 26-171(b). If a reclassification is required, the application shall be resubmitted no later than forty-five (45) days prior to the beginning of the next succeeding cycle and shall be subject to section 2-356(c) through section 2-356(h), inclusive. If a request for exemption is made pursuant to section 2-356(i), the resubmittal must occur prior to planning board action thereunder. Upon acceptance, DEPRM shall forward the application to the growth allocation review committee, subject to the provisions contained in subsection (h) below, section 2-356(j)(3) and section 26-124 of this Code.

- (5) All proposed developments which involve requests for growth allocation shall be subject to the provisions of the development regulations, section 26-166 et seq. of this Code, and the provisions contained in subsections 26-123(g) and (h) herein. Notwithstanding the provisions of this section, a plan may continue to be reviewed and processed under the development regulations while the growth allocation application is being reviewed, processed and adjudged. The hearing officer may approve a development plan which involves a growth allocation request only upon condition that the growth allocation is granted and approved. If growth allocation is not granted and approved, any change to such a conditionally approved development plan shall be considered material.
- (6) All growth allocation applications shall be subject to the design competition evaluation factors set forth by the growth allocation review committee established pursuant to subsection (h) of this section. These factors shall be used for comparative evaluation of the degree to which the growth allocation applications achieve the objectives of resource management and protection, quality of design, location, and off-site community enhancement within the Chesapeake Bay Critical Area directly related to

the proposal and its impacts. The burden of proof is upon the applicant to demonstrate that the application fulfills the environmental and community enhancement factors.

- (7) New intensely developed areas must be at least twenty (20) acres, unless they are contiguous to an existing intensely developed area or limited development area.
  - (8) The growth allocation review committee shall adopt and, from time to time, may amend its administrative procedures for the review of growth allocation applications under the provisions of this section.
  - (9) Notwithstanding such limitations as established herein, bona fide intrafamily transfers may be permitted subject to and in conformity with the provisions of section 8-1808.2, of the Natural Resources Article, Annotated Code of Maryland, as may be amended.
  - (10) The time limit for validity of plans and plats which involve growth allocation applications shall be subject to the provisions of section 26-210 through section 26-217, inclusive. If such plan or plat lapses and be invalid, the growth allocation granted and approved therein shall be reapplied to the county's total and become available for re-allocation.
- (h) The following design competition procedure shall be used to award growth allocations in the critical area:
- (1) The department of environmental protection and resource management shall have available for distribution copies of the procedural and submittal requirements and the evaluation objectives previously submitted to the Chesapeake Bay Critical Area Commission. Submittal requirements and evaluation objectives are subject to review and revision by the department of environmental protection and resource management (or growth allocation review committee) on an annual basis.
  - (2) The growth allocation review committee shall consist of the directors or their designated representatives of the department of

environmental protection and resource management, office of planning and zoning, office of zoning administrative and development management, department of public works, department of recreation and parks and the economic development commission. The director of the department of environmental protection and resource management or his designated representative shall serve as chairperson.

- (3) The department of environmental protection and resource management shall prepare copies of the official county Chesapeake Bay Critical Area map and, if applicable, the official county zoning map showing the location of the requested growth allocations.
- (4) The growth allocation review committee shall review the submissions per the design competition evaluation objectives and make written recommendations to the planning board within forty-five (45) days of the acceptance of the application.
- (5) Subject to the giving of at least twenty (20) days' public notice in one (1) newspaper of general circulation, the planning board shall hold one (1) or more public meetings to review the recommendations of the growth allocation review committee. The meeting(s) shall include:
  - a. A presentation of the plan.
  - b. GARC recommendations.
  - c. Public comment.

During the period of notice, the plans with accompanying text and data, as well as the GARC's recommendations, shall be available for public inspection at the department of environmental protection and resource management.

- (6) Notice of the date, time, and place of the planning board's public meeting(s) shall be conspicuously posted by the county on the lot, parcel or tract which is the subject of the plan at least fifteen (15) business days prior to the meeting.
- (7) Within thirty (30) days of the final public meeting, the planning board shall forward

its recommendations that require a reclassification of the RCA or LDA land classification boundaries on the official Chesapeake Bay Critical Area map to the board of appeals for a final determination, pursuant to section 2-356(j) of this Code, or to the county council for a final determination if a zoning change to the official zoning map is required, subject to the provisions of section 26-124(d). Notwithstanding any provision in this Code to the contrary, the board shall have authority to reclassify the official Chesapeake Bay Critical Area map only when changes involving growth allocation are requested. If changes are required to the official zoning map only or to both the official zoning map and to the critical area map, then such applications shall be referred to the county council.

- (8) The department of environmental protection and resource management shall forward the proposed amendments to the official critical area map or zoning map or both and all relevant information to the Chesapeake Bay Critical Area Commission for approval under Ann. Code of Md., Natural Resources article, § 8-1809(i).
- (9) Pursuant to Ann. Code of Md., Natural Resources article section 8-1809(o)(2), the county shall incorporate the approved amendment to the official Chesapeake Bay Critical Area map into its local protection program within one hundred twenty (120) days after receiving notice that this amendment has been approved by the Chesapeake Bay Critical Area Commission.
  - a. The department of environmental protection and resource management shall forward the amended official Chesapeake Bay Critical Area map reflecting changes approved by the Chesapeake Bay Critical Area Commission to the chairman of the county council for signature, unless a reclassification or RCA or LDA land classification boundaries on this map was made by the board of appeals pursuant to section 2-356(j) of this Code, in which case the amended

map shall be forwarded to the chairman of the board of appeals for signature.

- b. The department of environmental protection and resource management shall forward a copy of the amended official Chesapeake Bay Critical Area map signed in accordance with section 26-123(h)(9)a. of this Code to the Chesapeake Bay Critical Area Commission within the time frame specified in this subsection.

(Code 1978, § 22-21; Bill No. 18, 1990, § 2; Bill No. 63, 1992, § 1; Bill No. 51-94, § 1, 5-20-94; Bill No. 95-94, §§ 1, 2, 7-12-94)

**Sec. 26-123.5. Comprehensive zoning map process fees.**

(a) The fees for filing issues pursuant to section 26-123 to be paid by the person raising an issue shall be as follows:

- |   |           |
|---|-----------|
| (1) Each noncontiguous lot of record of less than two (2) acres located with planned water and sewer service area, hereinafter called "planned service area"..... | \$ 500.00 |
| (2) Each noncontiguous lot of record of less than ten (10) acres located outside planned service area .....   | 500.00    |
| (3) Each noncontiguous lot of record of two (2) or more acres located within the planned service area .....   | 1250.00   |
| (4) Each noncontiguous lot of record of ten (10) or more acres located outside planned service area .....   | 1250.00   |
| (5) Issues filed by a duly constituted civic, improvement or community association as otherwise provided for and limited by section 26-209(a)(2)                  | 75.00     |

(b) For the purpose of this section, contiguous lots of record in the same ownership, included in any issue, wherever situated, shall be considered as one (1) lot of record.

(c) As used in this section, the following words and terms have the meanings indicated:

*Issue or issues:* Refers to a lot or lots of record proposed for change in zone or district classification.

*Lot of record:* A parcel of land with boundaries as recorded in the land records of the county on July 1, 1991, whether included within one (1) or more deeds.

(d) Issues initiated by the office of planning, planning board or by members of the county council shall be exempt from any and all fees established herein.

(e) The county administrative officer may change the above fees from time to time as deemed appropriate, subject to the provisions of section 15-9. In addition, the county administrative officer shall waive any or all fees established herein for the filing of an issue when filed by a county volunteer fire, ambulance or rescue company. (Bill No. 64, 1991, § 1(22-21.1))

**Sec. 26-124. Action by county council on adoption of zoning regulations and zoning maps and Chesapeake Bay Critical Area map procedures.**

(a) After the county council has received a final report of the planning board recommending adoption of any zoning regulations or zoning maps, the county council shall hold one (1) or more public hearings thereon, giving at least ten (10) working days' notice thereof in a newspaper having a general circulation in the county. During such ten-day period, the final report of the planning board with accompanying one (1) inch to one thousand (1,000) feet scale maps and supporting exhibits, if any, together with any minority report and maps from any dissenting members of the planning board, shall be available for inspection at the office of planning and zoning, in each respective councilmanic district, and at such other public place as the county council may designate for public inspection. After the expiration of such period of notice and following the public hearing or hearings, the county council may by ordinance adopt such regulations or maps, subject, however, to such

changes or amendments therein as the county council may deem appropriate, but subject to the provisions of section 26-123(e).

(b) No change or amendment may be made in a zoning map to an area or parcel of land which was not considered by the planning board for a change in zoning prior to its submission of the map to the county council.

- (c) (1) Each change or amendment to be made in a zoning map as proposed by the planning board shall be voted upon individually by the county council, and each vote thereon shall be recorded in the council minutes.
- (2) The officially adopted zoning map shall be the one (1) inch to two hundred (200) feet scale maps.

(d) Notwithstanding any other provision of this Code relating to reclassifications or rezoning of land, the county council may amend at any time the official zoning map in conjunction with the approval of growth allocation applications and the related amendment of the official critical area map enacted pursuant to section 26-123(g) of this Code, but only after receipt of recommendations from the planning board pursuant to section 26-123(g) and (h) and subject to the procedures established in this subsection below:

- (1) That all requests for growth allocation that involve changes to the underlying zone or zones not subject to section 2-356(j)(3) of this Code shall be submitted to the director of ZADM, who shall process such requests pursuant to section 26-123(g);
- (2) Within a reasonable period from receipt of the recommendations from the planning board, pursuant to section 26-123(h), and subject to the giving of at least twenty (20) days' public notice in two (2) newspapers of general circulation, the county council shall hold a public hearing on the proposed zoning changes;
- (3) Within thirty (30) days of the county council's public hearing, the county council shall take action on the planning board's recommendations.

(Code 1978, § 22-22; Bill No. 14, 1992, § 1; Bill No. 95-94, § 1, 7-12-94)

#### **Sec. 26-125. County council action on regularly revised zoning map.**

Each time the county council receives a recommended zoning map from the director of planning under the procedure set forth in section 26-123(d), the county council shall forthwith schedule a hearing or hearings thereon, in accordance with the procedures set forth in section 26-124. Before October 16th of each year in which it is required in this title that the proposed version of said map be recommended by the planning board, the council shall adopt the complete county-wide zoning map last so recommended with such revisions as may be made in accordance with section 26-124.

(Code 1978, § 22-23)

#### **Sec. 26-126. Planning board reports.**

(a) Within two (2) years after the county council has received a final report of the planning board concerning amendments to the zoning regulations, the county council by ordinance may act upon the report. If the county council fails to so act within the two-year period, the final report of the planning board is null and void, and any action upon the subject matter of the final report requires compliance with the provisions of sections 26-123 and 26-124 regarding amendments to the zoning regulations.

(b) Within two (2) years after the county council has acted pursuant to subsection (a) of this section, the council by ordinance may take further action upon any issue related to the subject matter of the final report without the necessity of compliance with the provisions of section 26-123 regarding a prior recommendation of the planning board. However, prior to taking such action, the council shall prepare a specific proposal and hold a hearing on the proposal.

(Code 1978, § 22-24)

#### **Sec. 26-127. Authority of zoning commissioner to provide for special exceptions and variances.**

(a) Except as provided in section 2-356(p) of this Code and subject to the appropriate principles,





# Petition for Reclassification

## to the Board of Appeals of Baltimore County

for the Property at 3237 E. Joppa Road ( 11th District )  
Baltimore, Maryland 21234

This Petition shall be filed with the **Department of Permits & Development Management**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law

of Baltimore County, from an DR5.5 zone to an BL zone, for the reasons given in the attached, and (2) for a ~~Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for~~

~~and (3) for the reasons given in the attached statement a variance from the following sections of the Zoning Regulations of Baltimore County:~~

Property is to be posted and advertised as prescribed by Zoning Regulations.

1, or we, agree to pay expenses of ~~above Special Exception~~ advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

N/A  
 (Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

Ronald A. Decker, Esquire  
 (Type or Print Name)

Ronald A Decker  
 Signature (410)

4111 E. Joppa Road, Suite 201 529-4600  
 Address Phone No.

Baltimore, MD 21236  
 City State Zip Code

Legal Owner(s):

Robert S. Bundy, Sr.  
 (Type or Print Name)

Robert S. Bundy Sr.  
 Signature

Susan M. Bundy  
 (Type or Print Name)

Susan M. Bundy  
 Signature

2129 Cox Road (410) 882-2273

Address Phone No  
Jarrettsville, Maryland 21084

City State Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Ronald A. Decker, Esquire

Name

4111 E. Joppa Road, Suite 201, Balto., MD 21236

Address (410) 529-4600 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 hour

unavailable for Hearing the following dates None

Next TWO Months

ALL OTHER

REVIEWED BY: DATE

98 AUG 27 AM 9:51

RECEIVED  
 COUNTY BOARD OF APPEALS

Revised 9/5/95

R-99-184

**THOMAS J. HOFF, INC.**  
*Landscape Architect and Land Development Consultant*  
406 WEST PENNSYLVANIA AVENUE  
TOWSON, MD. 21204  
410-296-3668  
FAX 410-296-5326

August 24, 1998

**Description of Robert and Susan Bundy Property, to Accompany Petition for  
Reclassification.**

**BEGINNING FOR THE SAME** at a point on the south side of Joppa Road, 125 feet  
more or less west of the centerline of Ridgely Avenue.

Thence leaving the south side of Joppa Road,

- (1) South 05 degrees 19 minutes 30 seconds West 158.47 feet;
- (2) North 83 degrees 40 minutes 30 seconds West 39.68 feet;
- (3) North 05 degrees 19 minutes 30 seconds East 153.47 feet to the south side of  
Joppa Road,

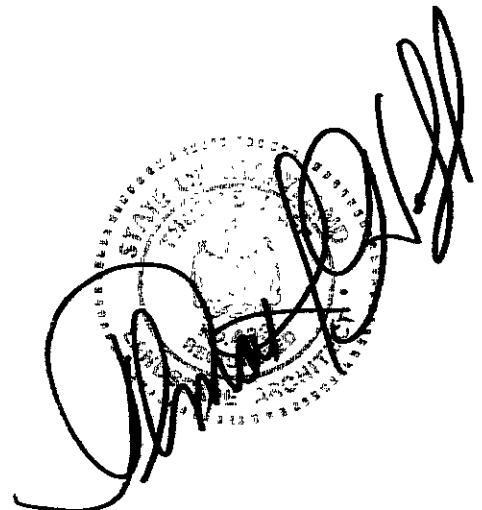
thence binding on the south side of Joppa Road,

- (4) South 76 degrees 39 minutes East 7.5 feet;
- (5) North 87 degrees 31 minutes East 32.73 feet;

to the point of beginning containing 0.14 acres (6,240 square feet) of land more or less.

**Note:**

This Description has been prepared for zoning purposes only.



BALTIMORE COUNTY, M. YLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

#1 No. 050600

DATE 8/27/98 ACCOUNT 001-61862

AMOUNT \$ 535.00

RECEIVED FROM: BUNDY 500.00 / DECKER 35.00 #1

FOR: #072 RECLASS #080 SIGN.

3237 E. JOPPA RD.

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Paid RECEIPT  
PROCESS 000000 1000  
07/27/98 07/27/98 09-30-98  
USDA CROSBIE CLUM L&L BMDH-R  
5 MISCELLANEOUS DECH 0000 001  
RECEIPT # 05359  
DEPT. 000085  
BALTIMORE COUNTY, MARYLAND  
05.00 FEE

299-184

CASHIER'S VALIDATION

**NOTICE OF ZONING  
RECLASSIFICATION  
HEARING**

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #R-99-184  
3237 East Uppa Road  
S/S Joba Road, 125' W of  
centerline Ridgely Avenue,  
also approximately 850' E of  
Harford Road  
11th Election District  
6th Councilmanic District  
Legal Owner(s): Susan M.  
Bundy & Robert S. Bundy, Sr.

Reclassification: of the  
property from D.R.-5.5 to B.L.  
Hearing: Tuesday, March 9,  
1999 at 10:00 a.m. in Room  
48 of the Old Courthouse,  
400 Washington Avenue.

CHARLES L. MARKS/SCJ

Chairman

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Call (410) 887-3180.  
(2) For information concern-  
ing the File and/or Hearing,  
Contact this Office at (410)  
887-3180.  
JNEB/2/278 Feb. 18 C291447

# CERTIFICATE OF PUBLICATION

2181, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2181, 1999.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

*A. Henrichs*

LEGAL AD. - TOWSON

**NOTICE OF ZONING  
RECLASSIFICATION  
HEARING**

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 632(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #R-89-104  
3237 East Joppa Road  
S/S Joppa Road, 125' W of  
centerline Ridgely Avenue,  
also approximately 850' E of  
Harford Road  
11th Election District  
6th Councilmanic District  
Legal Owner(s): Susan M.  
Bundy & Robert S. Bundy, Sr.

Reclassification: of the  
property from D.R.-3.5 to B.L.  
Hearing: Tuesday, March 9,  
1990 at 10:00 a.m. in Room  
48 of the Old Courthouse,  
400 Westinghouse Avenue.

CHARLES L. MARKS/SCJ  
Chairman

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Call (410) 887-3180.  
(2) For information concern-  
ing the file and/or hearing,  
Contact this Office at (410)  
887-3180.  
JUNE/22/78 Feb. 18 C2B1447

# **CERTIFICATE OF PUBLICATION**

TOWSON, MD., 2/18/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/18/, 1999.

**THE JEFFERSONIAN.**

*A. Henickson*

LEGAL AD. - TOWSON

# CERTIFICATE OF PUBLICATION

218, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 2111, 1999.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

*A. H. Erickson*

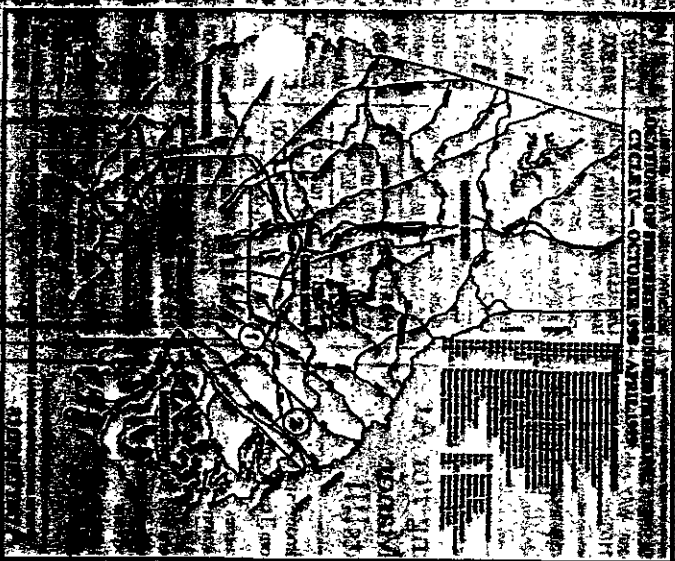
LEGAL AD. - TOWSON

# BALTIMORE COUNTY/RYLAND PUBLIC NOTICE

Reclassification & Restructuring Petitions Accepted for Filing by Baltimore County Board of Appeals for the  
October 1998 - April 1999 Zoning Reclassification Cycle

## WESTERN SECTOR

Petitions Were Filed in This Sector



## NORTHERN SECTOR

No Petitions Were Filed in This Sector

## EASTERN SECTOR

No Petitions Were Filed in This Sector

## CENTRAL SECTOR

No Petitions Were Filed in This Sector

### ITEM # 1

Property Owner: [Name]  
Case No./Meeting Date: [Number]/[Date]  
Contract Purchaser: [Name]

Location: [Address]

Existing Zoning: [Code]

Proposed Zoning: [Code]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

### ITEM # 2

Property Owner: [Name]  
Case No./Meeting Date: [Number]/[Date]  
Contract Purchaser: [Name]

Location: [Address]

Existing Zoning: [Code]

Proposed Zoning: [Code]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

Requesting District: [Name]

**MERCHANDISE  
FOR SALE** 5032

Must be available for real estate advertising. Limited time offer. Other restrictions may apply. NE/NR

**VALENTINE GETAWAY TWO**  
nights, POCOS Mts. Cab Saddle  
or - Shirley - 410-922-0652  
410-922-0389.

[illegible]

APARTMENTS 6037  
UNFURNISHED

**Stansbury Manor Apartments  
and Townhomes  
410-391-5151**

**RODGERS FORGE 4BR TR**  
new kitchen, wood, DW Avail 1/8/80  
\$14,900. Call 412-293-0230



# CERTIFICATE OF PUBLICATION

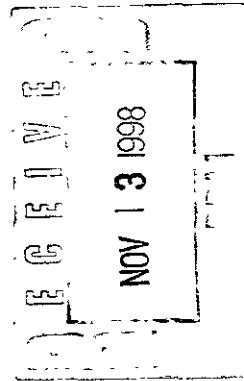
\_\_\_\_\_  
11/12/1998

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 11/5/1998.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

*A. Henickson*

LEGAL AD. - TOWSON



# Flea Market

LYRIC Flea Market, Crafts,  
Every Sun, 10-3, 1700 York  
Rd Lutherville 410-282-8272.

## Furniture

10 PIECE ETHAN ALLEN  
Queen Arm Dr. sec. like new. A  
quality set. Asking \$3,800.  
410-321-8201

ANTIQUE Mahogany deco dresser  
& vanity. Beautifully restored.  
Must see. 410-547-1885.

BED Beautiful black iron can-  
opy w/ Queen size luxury firm  
mattress set. Never used, still  
in plastic. \$300 410-550-3494

BED KING SIZE mattress set  
still in plastic. Ultra plush pl-  
ush top. Cost \$1,000. sac.  
\$385 Call 410-760-3418

BEDROOM SET 6 pc Solid  
mahogany Cost over \$7500.  
Sell \$3,000. 410-672-2865.

BED ROOM SET Queen bed,  
head board, dresser, mirror,  
chest & night stand. Good  
cond. \$3500 410-654-6894

BEDS Factory clearance. Plush  
New in plastic. \$69 up. Can  
deliver. 410-727-4366.

BRASS BED Queen size. Never  
used w/ ortho firm mattress  
set cost \$1000 Sac. \$300 Call  
410-590-6716

BR SET 4 poster cherry w/  
dresser, mirror, nightboy, night  
stand. Never used. \$3600 sac.  
\$1800 410-550-3208

CAPTAIN'S BED. Like new  
\$300. 2 sleep sofas (On \$300  
& loveseat \$250). Good cond.  
Call after 7pm 410-542-0549.

DINING ROOM SET. BAS-  
SETT Table w/ seat 4 side  
chairs, 2 captain chairs, buffet  
whitch. Dark pine. Good  
cond. \$425. 410-640-8880.

Ask about Patuxents new

Private Party Rates!

FOR SALE

FOR SALE

# Now you can buy your entire community for just...\$4!

Call today, and you can reserve a  
four-line, for sale (private party)  
classified ad in the **Northeast Investor**  
and **Northeast Reporter** for just \$4!  
That's \$4 to get your message into  
every home and business that  
receives the **Northeast Investor** and  
**Northeast Reporter**.

And it doesn't stop there. Your ad  
will automatically appear in next  
weekend's edition of **Weekend**  
**Classified**, as well as on Patuxent  
Publishing's online internet site,  
[www.lifeexpress.com](http://www.lifeexpress.com).

All orders must be placed Tuesday-  
Friday 8 am - 7 pm to qualify for  
special rate. Regular classified hours  
are Monday-Friday 8 am - 7 pm.

Call your classified  
representative today!

410-321-0247

4 lines 4 dollars  
for pete's sake!

Rates not available for real estate advertising. Limited time offer. Other restrictions may apply. ©1997

Contact this Office at (410)  
987-3180.  
JUNE/27/98 Feb. 18 0291447

410-391-5151

LEAD

Ask about Patuxents new  
Private Party Rates!

## LEGALS

BALTIMORE COUNTY BOARD OF  
LIQUOR LICENSE COMMISSIONERS  
Towson, Maryland 21204  
410-887-3191 FAX: 410-887-3970

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING PERSONS  
HAVE FILED APPLICATIONS FOR PERMANENT LICENSE TO  
SELL BEER, WINE AND/OR LIQUOR AT THE LOCATIONS  
STATED:

Pamela Barrett Delisher, Frederick Charles Delisher, Jr. of WHITE  
MARSH PLAZA LIQUORS LIMITED PARTNERSHIP via White  
Marsh Plaza Liquors 7968 Honeygo Blvd. Baltimore, MD 21236.  
Application for Change of Partners of Class A (off sale) Beer, Wine  
& Liquor License from Frederick C. Delisher, Jr., Francis Carroll  
Barrett of White Marsh Plaza Liquors Limited Partnership via  
White Marsh Plaza Liquors.  
(1:30 p.m.) (14)

Thomas S. Basham, Robert D. Basham, Stephen S. Newton of  
PERRY HALL OUTBACK, INC. via Outback Steakhouse #2137  
4215 Ebenezer Rd. Baltimore, MD 21236. Application for Change  
of Corporate Officers of Class B (on sale) Beer, Wine & Liquor Li-  
cense from Thomas S. Basham, Benjamin J. Stone, III of Perry  
Hall Outback, Inc. via Outback Steakhouse.  
(1:45 p.m.) (11)

William Richard Gossman, John Henry Gossman of GOSSMAN &  
GOSSMAN ENTERPRISES, INC. via Schooners 7703 Belair Rd.  
Baltimore, MD 21236. Application for Transfer of Class B (on sale)  
Beer, Wine & Liquor License from John H. Gossman, Vincent G.  
Rossi of Rossi & Gossman Enterprises, Inc. via Schooners.  
(2:35 p.m.) (14)

HEARING UPON THE APPLICATIONS ABOVE WILL TAKE PLACE  
IN ROOM 106 OF THE COUNTY OFFICE BUILDING, TOWSON,  
MARYLAND ON:

Monday, March 8, 1999  
BOARD OF LIQUOR LICENSE COMMISSIONERS FOR  
BALTIMORE COUNTY  
PHILIP R. LEYHE, JR., Chairman  
SIMON JAROSINSKI, JR., Member  
R. RICHARD RUDOLPH, Member

PARKVILLE 2BR, LR, eat in  
kch., storage area in basm.,  
\$480+util. 410-637-5545

PARKVILLE- Small 1BR cot-  
tage suitable for 1 person.  
\$350/mo. + util. + sec. Avail-  
able 3/1. 410-661-9261.

ROLAND PK. BR. Schol. House  
Spacious, newly ren. DIV. WD.  
AC, \$876+ util. 410-889-2222

WEST TOWSON Spacious  
3/4BR with loft. Delightful  
apt. Call 410-637-5545.

## LEGALS

BALTIMORE COUNTY BOARD OF  
LIQUOR LICENSE COMMISSIONERS  
Towson, Maryland 21204  
410-887-3191  
FAX: 410-887-3970

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING PERSON  
HAVE FILED APPLICATIONS FOR PERMANENT LICENSE TO  
SELL BEER, WINE AND/OR LIQUOR AT THE LOCATION STATE

George A. Trocki, Richard M. Andrews, Jr., Scott E. Gordon  
DON PABLOS OF BALTIMORE COUNTY, INC Don Pabli  
8161 Honeygo Blvd. White Marsh, MD 212 Jlication 1  
Change of Corporate Officers of Class B (on sale), Beer, Wine  
Liquor License from George A. Trocki, Lawrence M. Folk, Mar  
N. Goldsmith of Don Pablos of Baltimore County, Inc. via Don F  
Bio's. (2:15 p.m.) (14)

HEARING UPON THE APPLICATIONS ABOVE WILL TAKE PLA  
IN ROOM 106 OF THE COUNTY OFFICE BUILDING, TOWSON,  
MARYLAND ON:

Monday, March 1, 1999  
BOARD OF LIQUOR LICENSE COMMISSIONERS FOR  
BALTIMORE COUNTY  
PHILIP R. LEYHE, JR., Chairm  
SIMON JAROSINSKI, JR., Mem  
R. RICHARD RUDOLPH, Mem

# BALTIMORE COUNTY, MARYLAND

## PUBLIC NOTICE

Reclassification & Redistricting Petitions Accepted for Filing by Baltimore County Board of Appeals for the October 1998 - April 1999 Zoning Reclassification Cycle IV

### WESTERN SECTOR

No Petitions Were Filed in This Sector

### NORTHERN SECTOR

No Petitions Were Filed in This Sector

### EASTERN SECTOR

### CENTRAL SECTOR

No Petitions Were Filed in This Sector

### ITEM #1

Property Owner: Susan M. Bundy & Robert S. Bundy, Sr.  
Case No./Hearing Date: P-98-184 Tuesday, March 23, 1999  
10:00 a.m.

Property Owner: 1st Preference Mortgage Corporation  
Case No./Hearing Date: CR-98-185-XA Tuesday, March 23, 1999  
10:00 a.m.

#### Contract Purchaser:

N/A

#### Contract Purchaser:

N/A

Location: 125 W of centerline

#### Location:

N/A

Property: 125 W of centerline

#### Property:

N/A

Electrical District: 125 W of centerline

#### Electrical District:

N/A

Proposed Zoning: 125 W of centerline

#### Proposed Zoning:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

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Contractor: 125 W of centerline

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N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

Contractor: 125 W of centerline

#### Contractor:

N/A

By Order of Charles E. Marks, Chairman, Baltimore County Board of Appeals

Arnold P. Keller, III, Director, Office of Planning and Community Conservation

Documented Plans Zoning

# CERTIFICATE OF POSTING

RE: Case No.: R-99-184

Petitioner/Developer: \_\_\_\_\_

ROBERT & SUSAN BUNDY

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

~~REDACTED~~

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3237 E. TOPPA RD.

The sign(s) were posted on 2/16/99  
(Month, Day, Year)

Sincerely,

Gary C. Freund 2/16/99  
(Signature of Sign Poster and Date)

GARY C. FREUND  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: \_\_\_\_\_

Petitioner: Robert S. Bundy, Sr. and Susan M. Bundy

Address or Location: 3237 E. Joppa Road Baltimore MD 21234

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Robert S. Bundy, Sr.

Address: 2129 Cox Road  
Jarrettsville, MD 21084

Telephone Number: 410-882-2273

Revised 2/20/98 - SCJ

**R-99-184**

TO: PATUXENT PUBLISHING COMPANY  
February 17, 1999 Issue – Northeast Booster

Please forward billing to:

Robert S. Bundy, Sr.

410-882-2273

2129 Cox Road

Jarrettsville, MD 21084

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## NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-99-184

3237 East Joppa Road

S/S Joppa Road, 125' W of centerline Ridgely Avenue, also approximately 850' E of Harford Road

11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Susan M. Bundy & Robert S. Bundy, Sr.

Reclassification of the property from D.R.-5.5 to B.L.

HEARING: Tuesday, March 9, 1999 at 10:00 a.m. in Room 48 of the Old Courthouse,  
400 Washington Avenue

*Charles L. Marks/scj*

Charles L. Marks  
Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS  
PLEASE CALL 410-887-3180.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS  
OFFICE AT 410-887-3180.



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

February 1, 1999

### NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-99-184

3237 East Joppa Road

S/S Joppa Road, 125' W of centerline Ridgely Avenue, also approximately 850' E of Harford Road

11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Susan M. Bundy & Robert S. Bundy, Sr.

Reclassification of the property from D.R.-5.5 to B.L.

HEARING: Tuesday, March 9, 1999 at 10:00 a.m. in Room 48 of the Old Courthouse,  
400 Washington Avenue

*Charles L. Marks/scj*

Charles L. Marks  
Chairman

c: Ronald A. Decker, Esquire  
Susan & Robert Bundy, Sr.

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.



TO: PATUXENT PUBLISHING COMPANY

November 4, 1998 & November 11, 1998 Issues – Northeast Booster  
Half-Page Ad

Advertising costs should be divided between all petitioners.

Please forward billing to:

R-99-184

Robert S. Bundy, Sr.  
2129 Cox Road  
Jarrettsville, MD 21084

410-882-2273

CR-99-185-XA

Bill Parisi  
2207 Brookhaven Court  
Fallston, MD 21047

410-879-2022

410-529-7300

---

**NEWSPAPER AD MUST BE HALF-PAGE AD.**

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE IV (OCTOBER 1998 – APRIL 1999) AND CORRECT MAP.

PLEASE FORWARD TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT, A CONTACT POSITIVE PRINT.

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER SOPHIA JENNINGS OR CARL RICHARDS IN ZONING REVIEW AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
November 5, 1998 & November 12, 1998 Issues - Jeffersonian  
Half-Page Ad

Advertising costs should be divided between all petitioners.

Please forward billing to:

R-99-184	Robert S. Bundy, Sr. 2129 Cox Road Jarrettsville, MD 21084	410-882-2273
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CR-99-185-XA	Bill Parisi 2207 Brookhaven Court Fallston, MD 21047	410-879-2022 410-529-7300
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**NEWSPAPER AD MUST BE HALF-PAGE AD.**

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE IV (OCTOBER 1998 – APRIL 1999) AND CORRECT MAP.

PLEASE FORWARD TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT, A CONTACT POSITIVE PRINT.

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER SOPHIA JENNINGS OR CARL RICHARDS IN ZONING REVIEW AT 410-887-3391.

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR  
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE  
OCTOBER 1998 – APRIL 1999 ZONING RECLASSIFICATION CYCLE IV

BY ORDER OF  
KRISTINE HOWANSKI, CHAIRMAN, BALTIMORE COUNTY BOARD OF APPEALS  
ARNOLD F. KELLER, III, DIRECTOR, OFFICE OF PLANNING AND  
COMMUNITY CONSERVATION

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS  
FOR THE ZONING RECLASSIFICATION CYCLE IV  
OCTOBER 1998 – APRIL 1999

**WESTERN SECTOR**

No Petitions Were Filed In This Sector

**NORTHERN SECTOR**

No Petitions Were Filed In This Sector

**CENTRAL SECTOR**

No Petitions Were Filed In This Sector

**EASTERN SECTOR**

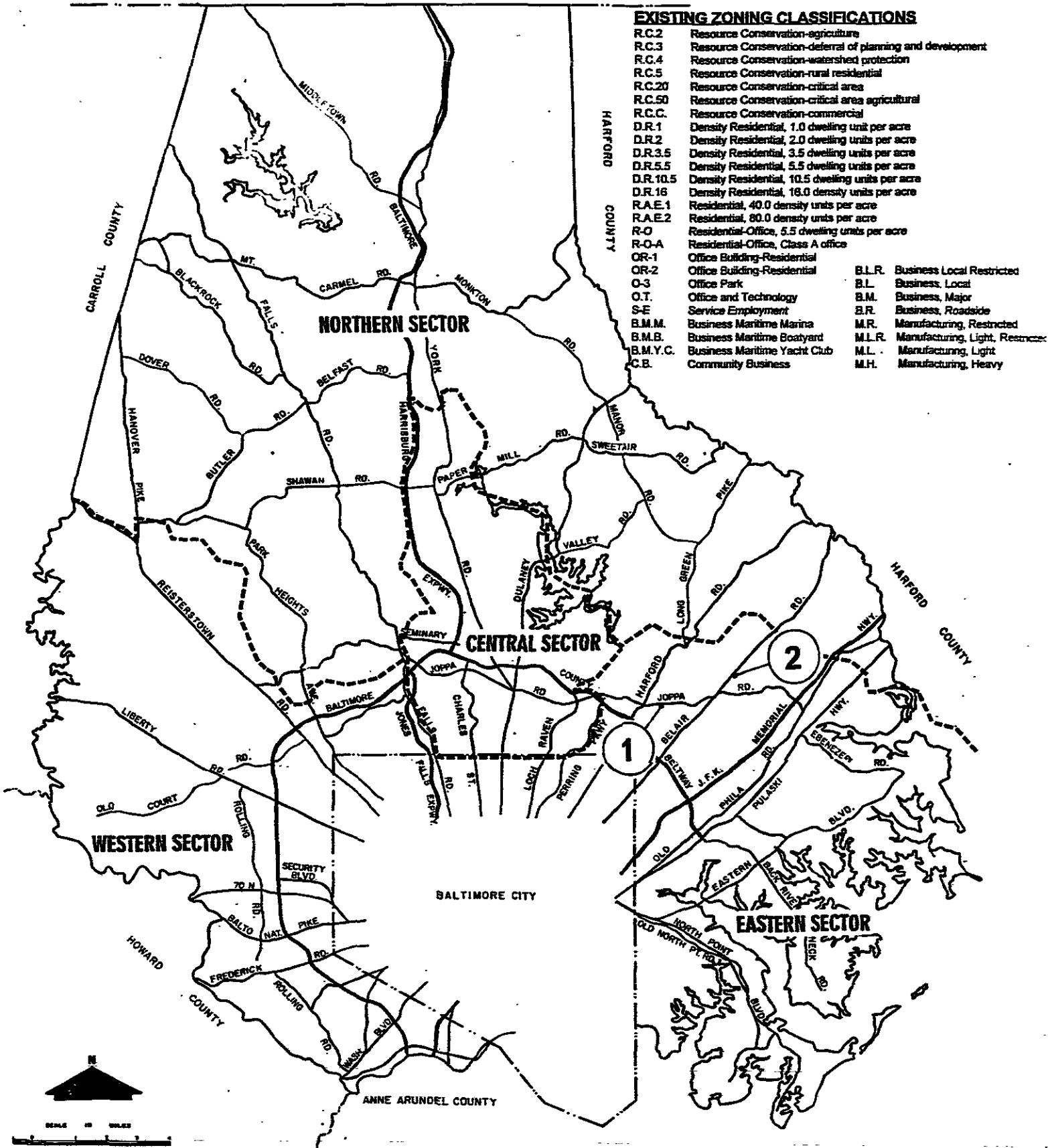
**ITEM #1**

Property Owner:	Susan M. Bundy & Robert S. Bundy, Sr.
Case No./Hearing Date:	R-99-184; Tuesday, March 9, 1999 – 10:00 a.m.
Contract Purchaser:	N/A
Location:	S/S Joppa Road, 125' W of centerline Ridgely Avenue, also approximately 850' E of Harford Road (3237 East Joppa Road)
Existing Zoning:	D.R.-5.5
Election District:	11th
Councilmanic District:	6th
Acres:	.143 +/-
Proposed Zoning:	B.L.
Attorney:	Ronald A. Decker
Misc.:	Open Plan

**ITEM #2**

Property Owner:	1 <sup>st</sup> Preference Mortgage Corporation
Case No./Hearing Date:	CR-99-185-XA; Tuesday, March 23, 1999 – 10:00 a.m.
Contract Purchaser:	N/A
Location:	SE/S Belair Road, corner NE/S Halbert Avenue (9423 Belair Road)
Existing Zoning:	R-O-A
Election District:	11th
Councilmanic District:	5th
Acres:	.621 +/-
Proposed Zoning:	R-O. <u>Special Exception</u> for Class "B" general office building expansion. <u>Variance</u> to allow a front yard setback of 10 feet in lieu of the front yard averaging of 25 feet; to allow landscape buffers of 10 feet in lieu of the required 20 feet; and to permit a double-face, illuminated, free-standing sign with 100 square feet total face area in lieu of the permitted 8-square foot non-illuminated wall-mounted sign.
Attorney:	John B. Gontrum
Misc.:	Documented Plan; Zoning Case #92-203-XA

# LOCATIONS OF PROPERTIES UNDER PETITION CYCLE IV — OCTOBER 1998 — APRIL 1999



TO: PATUXENT PUBLISHING COMPANY  
February 10, 1999 & February 17, 1999 Issues – Northeast Booster  
Half-Page Ad

Advertising costs should be divided between all petitioners.

Please forward billing to:

R-99-184	Robert S. Bundy, Sr. 2129 Cox Road Jarrettsville, MD 21084	410-882-2273
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CR-99-185-XA	Bill Parisi 2207 Brookhaven Court Fallston, MD 21047	410-879-2022 410-529-7300
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**NEWSPAPER AD MUST BE HALF-PAGE AD.**

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE IV (OCTOBER 1998 – APRIL 1999) AND CORRECT MAP.

PLEASE FORWARD TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT, A CONTACT POSITIVE PRINT.

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER SOPHIA JENNINGS OR CARL RICHARDS IN ZONING REVIEW AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY  
February 11, 1999 & February 18, 1999 Issues - Jeffersonian  
Half-Page Ad

Advertising costs should be divided between all petitioners.  
Please forward billing to:

R-99-184	Robert S. Bundy, Sr. 2129 Cox Road Jarrettsville, MD 21084	410-882-2273
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CR-99-185-XA	Bill Parisi 2207 Brookhaven Court Fallston, MD 21047	410-879-2022 410-529-7300
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**NEWSPAPER AD MUST BE HALF-PAGE AD.**

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE IV (OCTOBER 1998 – APRIL 1999) AND CORRECT MAP.

PLEASE FORWARD TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT, A CONTACT POSITIVE PRINT.

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER SOPHIA JENNINGS OR CARL RICHARDS IN ZONING REVIEW AT 410-887-3391.

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR  
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE  
OCTOBER 1998 – APRIL 1999 ZONING RECLASSIFICATION CYCLE IV

BY ORDER OF  
CHARLES L. MARKS, CHAIRMAN, BALTIMORE COUNTY BOARD OF APPEALS  
ARNOLD F. KELLER, III, DIRECTOR, OFFICE OF PLANNING AND  
COMMUNITY CONSERVATION

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS  
FOR THE ZONING RECLASSIFICATION CYCLE IV  
OCTOBER 1998 – APRIL 1999

**WESTERN SECTOR**

No Petitions Were Filed In This Sector

**NORTHERN SECTOR**

No Petitions Were Filed In This Sector

**CENTRAL SECTOR**

No Petitions Were Filed In This Sector

**EASTERN SECTOR**

**ITEM #1**

Property Owner:	Susan M. Bundy & Robert S. Bundy, Sr.
Case No./Hearing Date:	R-99-184; Tuesday, March 9, 1999 – 10:00 a.m.
Contract Purchaser:	N/A
Location:	S/S Joppa Road, 125' W of centerline Ridgely Avenue, also approximately 850' E of Harford Road (3237 East Joppa Road)
Existing Zoning:	D.R.-5.5
Election District:	11th
Councilmanic District:	6th
Acres:	.143 +/-
Proposed Zoning:	B.L.
Attorney:	Ronald A. Decker
Misc.:	Open Plan

**ITEM #2**

Property Owner:	1 <sup>st</sup> Preference Mortgage Corporation
Case No./Hearing Date:	CR-99-185-XA; Tuesday, March 23, 1999 – 10:00 a.m.
Contract Purchaser:	N/A
Location:	SE/S Belair Road, corner NE/S Halbert Avenue (9423 Belair Road)
Existing Zoning:	R-O-A
Election District:	11th
Councilmanic District:	5th
Acres:	.621 +/-
Proposed Zoning:	R-O. <u>Special Exception</u> for Class "B" general office building expansion. <u>Variance</u> to allow a front yard setback of 10 feet in lieu of the front yard averaging of 25 feet; to allow landscape buffers of 10 feet in lieu of the required 20 feet; and to permit a double-face, illuminated, free-standing sign with 100 square feet total face area in lieu of the permitted 8-square foot non-illuminated wall-mounted sign.
Attorney:	John B. Gontrum
Misc.:	Documented Plan; Zoning Case #92-203-XA



SAMPLE ONLY

BALTIMORE COUNTY, MARYLAND

# PUBLIC NOTICE

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR  
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE  
OCTOBER, 1993 - APRIL, 1994 ZONING RECLASSIFICATION CYCLE II

## WESTERN SECTOR

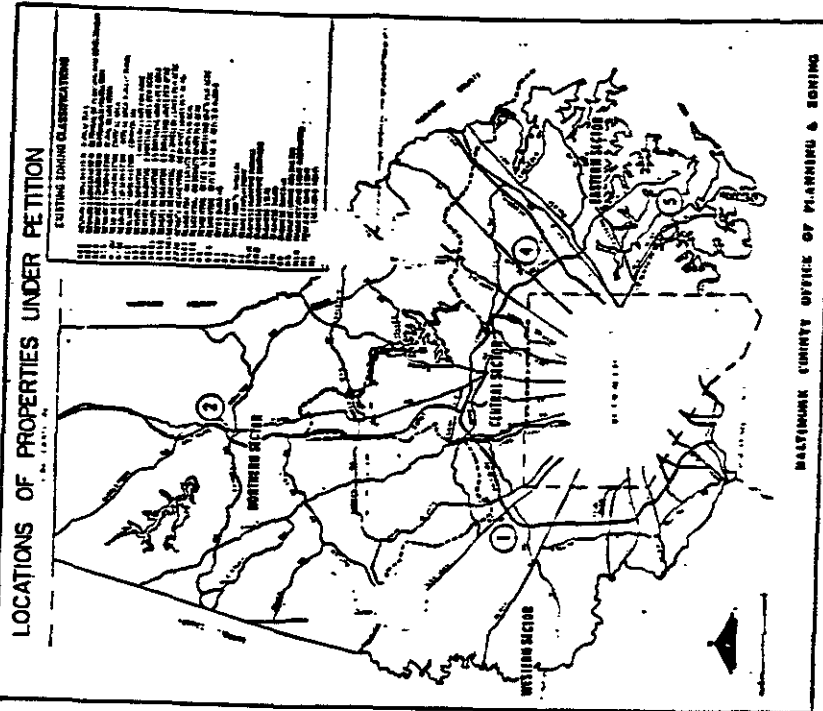
1. Property Owner: J.F.O. Holding Corporation & Josephine Owings Grinnings  
Case No./Hearing Date: R-94-141; 3/9/94  
Contract Purchaser: J. Patrick Gill  
Location: SW/S Reisterstown Road, 540' SE of centerline Mt. Reisterstown Road  
Existing Zoning: R.O.  
Election District: 3rd  
Councilmanic District: 3rd  
Acres: 5.81 +/- or 5.25 +/-  
Proposed Zoning: B.L.

## NORTHERN SECTOR

2. Property Owner: Harford Joint Venture  
Case No./Hearing Date: R-94-142; 3/23/94  
Contract Purchaser: N/A  
Location: N/S Everett Road, W/S York Road (Monkton Centre)  
Existing Zoning: R.C.-5  
Election District: 7th  
Councilmanic District: 3rd  
Acres: .80 +/-  
Proposed Zoning: B.M.-C.R.

3. Property Owner: The Prosser Company, Inc.

Case No./Hearing Date: CR-94-143; 4/6/94  
Contract Purchaser: N/A  
Location: SE/S Long Green Pike and NW/S Glen Arm Road (12107 & 12108)  
Long Green Pike and 5328 Glen Arm Road  
Existing Zoning: R.O. & R.C.-5  
Election District: 11th



Councilmanic District: 6th  
Acres: 5.2 +/-  
Proposed Zoning: M.L.

## CENTRAL SECTOR

No Petitions in the Central Sector

## EASTERN SECTOR

4. Property Owner: State Highway Administration  
Case No./Hearing Date: R-94-144; 4/20/94  
Contract Purchaser: White Marsh Dinner Theatre, Inc.  
Location: NW/S Belair Road, corner NE/S White Marsh Boulevard (8204 Belair Road)  
Existing Zoning: D.R.-5.5  
Election District: 14th  
Councilmanic District: 6th  
Acres: .81 +/-  
Proposed Zoning: B.M.

5. Property Owner: Beachwood II Limited Partnership  
Signal Development Corporation  
Case No./Hearing Date: R-94-145; 5/4/94  
Contract Purchaser: N/A  
Location: E/S Morse Lane between Lynhurst and Shom Roads (Beachwood)  
Existing Zoning: D.R.-1  
Election District: 15th  
Councilmanic District: 7th  
Acres: 27.309  
Proposed Zoning: D.R.-3.5 or D.R.-5.5 or D.R.-10.5

**LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.**

BY ORDER OF

WILLIAM HACKETT, CHAIRMAN BALTIMORE COUNTY BOARD OF APPEALS  
P. DAVID FILLIS, DIRECTOR BALTIMORE COUNTY PLANNING AND ZONING

## **COMMENTS IN SUPPORT OF RECLASSIFICATION**

**Robert S. Bundy, Sr. and  
Susan M. Bundy  
3237 E. Joppa Road  
Baltimore, Maryland 21234**

Robert S. Bundy, Sr. and Susan M. Bundy, his wife, Applicants, request a rezoning of a portion of 3237 E. Joppa Road from DR5.5 to BL because the last classification of the property was established in error. The present 200' zoning map shows that a portion of the Applicant's fifty (50) feet wide lot has the same BL zoning as the Applicant's adjoining property, but that the balance of the lot is zoned DR5.5. During the last comprehensive re-zoning in 1996, the County Council was probably unaware that the Applicants owned the subject land containing the mixed zoning as well as the BL zoned adjacent property at the intersection of Ridgely Avenue and Joppa Road that had its parking lot diminished by the widening of Joppa Road. The County Council likely presumed that the Applicants desired to continue the DR5.5 zoning for the subject property. The Council's reliance upon those presumptions led to an error in the continued zoning of the subject property as DR5.5.

The Applicants' property at 3237 E. Joppa Road is improved by a rented, one story, sixty-eight year old dwelling. It is in poor repair. The house contains approximately 900 square feet of space, and does not produce sufficient income to pay for needed renovations. The present BL zoning line appears to lie along the east wall of the structure.

If re-zoning to BL is approved, the Applicants would integrate the subject property with the Applicants' BL zoned corner property so that an economically viable commercial activity could take place on the property. All of the structures on the adjoining parcels are obsolete and are architecturally inconsistent.

The Master Plan includes the Carney section of the Eastern Sector of Baltimore County as a community conservation area. The Plan seeks to encourage effort to maintain and enhance the physical, social and economic resources of such older communities. The Applicants desire to accomplish the same goal, but are stymied because of the relatively small parcels that have two (2) different zoning classifications. If they could consolidate use of the parcels under the same BL zoning, they expect to improve or replace the existing obsolete structures for the betterment of the community. There will be very little incentive to invest capital if the current conditions continue to exist.

3237 E. Joppa Road  
Comments in Support of Re-zoning  
P.2

The subject property is located within a portion of Joppa Road which has evolved into a commercial area. BL zoning exists to the east and west, commercial activities are present on DR5.5 and DR 16 property along Joppa Road in the immediate vicinity.

The Council recognized the need for community services when it re-zoned several parcels on this portion of Joppa Road in the last comprehensive re-zoning. The need to provide services to the hundreds of residents that live between Harford and Belair Roads, including those in the Oak Crest Village, support the decisions that have been made. The addition of the balance of the Applicants' 50 foot wide parcel to their BL zoned areas will give the Applicants an opportunity to better serve the residents in the community with a more attractive and accessible operation.

The proposed reclassification is warranted by the errors identified previously. Reclassification will permit better use of the Applicants' adjoining parcels and will be consistent with the factors identified in the Baltimore County Code, Section 2-356(j). The population has increased in the Joppa Road corridor between Belair Road and Harford Road. Recent roadway widening has provided adequate access. Water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities will not be materially or adversely affected, and the use will be consistent with the character of the surrounding area. The Applicant does not foresee any Baltimore County capital improvements being required if the reclassification is granted.

Mr. and Mrs. Bundy urge the Board of Appeals to recognize the limited utility of retaining residential zoning for a portion of 3237 East Joppa Road. It is surrounded by commercial properties and uses on the north and south sides of Joppa Road. They believe that community residents would appreciate having a clean, well-designed, and esthetically pleasing business occupy the land owned by the Applicants, and would want replacement of the hodgepodge of structures which currently exist.

10/30/98  
Gy

MOORE, CARNEY, RYAN AND LATTANZI, LLC  
ATTORNEYS AT LAW  
4111 E. JOPPA ROAD  
BALTIMORE, MARYLAND 21236  
(410) 529-4600  
FAX (410) 529-6146

ROBERT E. CARNEY, JR.  
RICHARD E. LATTANZI  
JUDITH L. HARCLERODE  
RONALD A. DECKER  
DAVID M. MEADOWS  
LISA M. L. EISEMANN

E. SCOTT MOORE  
(1926-1992)

October 27, 1998

Baltimore County Department of  
Permits and Development Management  
111 East Chesapeake Avenue--Room 111  
Towson, Maryland 21204

Attention: Mr. Carl Richards  
Zoning Supervisor

Re: *Petition for Reclassification*  
*3237 East Joppa Road*  
*Robert S. Bundy, Sr. & Susan Bundy--Owners*

Dear Mr. Richards:

Thank you for your comments regarding the above-referenced Petition for Reclassification. Enclosed you will find four copies of revised Comments in Support of Reclassification which remove the reference to property usage in the second paragraph of Page 1. I appreciate your offer to substitute the enclosed Comments for those that were attached to the original Petition.

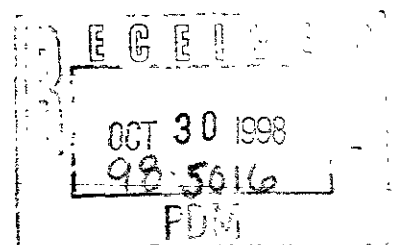
Sincerely yours,

  
Ronald A. Decker

RAD:cl  
Encls.  
cc: Mr. & Mrs. Robert S. Bundy, Sr., w/encl.

H:\WP\FROMLETTERS\A-L\Bundy, Richards.wpd

**R-99-184**



OK uc2

**COMMENTS IN SUPPORT OF RECLASSIFICATION**

**Robert S. Bundy, Sr. and  
Susan M. Bundy  
3237 E. Joppa Road  
Baltimore, Maryland 21234**

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The Applicants' property at 3237 E. Joppa Road is zoned BL on the east portion and DR 5.5 on the west portion. The present BL zoning line appears to lie on the east wall of a structure on the lot.

If re-zoning to BL is approved, the Applicants would integrate the subject property with the Applicants' BL zoned corner property so that an economically viable commercial activity could take place on the property. All of the structures on the adjoining parcels are obsolete and are architecturally inconsistent.

The Master Plan includes the Carney section of the Eastern Sector of Baltimore County as a community conservation area. The Plan seeks to encourage effort to maintain and enhance the physical, social and economic resources of such older communities. The Applicants desire to accomplish the same goal, but are stymied because of the relatively small parcels that have two (2) different zoning classifications. If they could consolidate use of the parcels under the same BL zoning, they expect to improve or replace the existing obsolete structures for the betterment of the community. There will be very little incentive to invest capital if the current conditions continue to exist.

The subject property is located within a portion of Joppa Road which has evolved into a commercial area. BL zoning exists to the east and west, commercial

**R-99-184**

**REV. 11-5-98**

3237 E. Joppa Road  
Comments in Support of Re-zoning  
P. 2

activities are present on DR5.5 and DR 16 property along Joppa Road in the immediate vicinity.

The Council recognized the need for community services when it re-zoned several parcels on this portion of Joppa Road in the last comprehensive re-zoning. The need to provide services to the hundreds of residents that live between Harford and Belair Roads, including those in the Oak Crest Village, support the decisions that have been made. The addition of the balance of the Applicants' 50 foot wide parcel to their BL zoned areas will give the Applicants an opportunity to better serve the residents in the community with a more attractive and accessible operation.

The proposed reclassification is warranted by the errors identified previously. Reclassification will permit better use of the Applicants' adjoining parcels and will be consistent with the factors identified in the Baltimore County Code, Section 2-356(j). The population has increased in the Joppa Road corridor between Belair Road and Harford Road. Recent roadway widening has provided adequate access. Water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities will not be materially or adversely affected, and the use will be consistent with the character of the surrounding area. The Applicant does not foresee any Baltimore County capital improvements being required if the reclassification is granted.

Mr. and Mrs. Bundy urge the Board of Appeals to recognize the limited utility of retaining residential zoning for a portion of 3237 East Joppa Road. It is surrounded by commercial properties and uses on the north and south sides of Joppa Road. They believe that community residents would appreciate having a clean, well-designed, and esthetically pleasing business occupy the land owned by the Applicants, and would want replacement of the hodgepodge of structures which currently exist.

RE: PETITION FOR ZONING RECLASSIFICATION \*  
3237 E. Joppa Road, S/S Joppa Rd, 125' W of c/l \*  
Ridgely Ave, also appx. 850' E of Harford Rd, \*  
11th Election District, 6th Councilmanic \*

Legal Owners: Robert S. and Susan M. Bundy, Sr. \*  
Petitioner(s) \*

BEFORE THE  
COUNTY BOARD OF APPEALS  
FOR BALTIMORE COUNTY

Case Number: R-99-184  
Item No. 1, Cycle IV, 1998

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17<sup>th</sup> day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Ronald A. Decker, Esq., , 4111 E. Joppa Road, Suite 201, Baltimore, MD 21236, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

RECEIVED  
EQUITY BOARD OF APPEALS  
98 NOV 17 PM 4:27

R-99-184 /ROBERT S. BUNDY, SR., AND SUSAN M. BUNDY -Legal Owners  
/Petitioners

HEARING DATE: March 9, 1999 at 10:00 a.m.

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10/27/98 -Revised Plan filed by Petitioner; received from PDM.

---

2/01/99 -Notice of Zoning Reclassification Hearing issued (copy  
received from PDM 2/02/99) Copy provided to People's Counsel.

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3/09/99 -Hearing concluded; memos due from counsel April 8, 1999  
(30 days); deliberation to be scheduled (possible mid-April;  
confirm date with S.L.M.)

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3/10/99 -Letter from P. Zimmerman; returned Exhibit 5 to the Board,  
with a copy to Ronald Decker; understanding that evidentiary  
record is closed; no further exhibits, etc; Memo of law due  
4/08.

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3/15/99 -Notice of Deliberation sent to parties; scheduled for  
Wednesday, April 21, 1999 at 10:00 a.m. (copy to S.L.M. -  
FYI)

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4/08/99 -Memos filed by People's Counsel on behalf of that office  
and by Ronald Decker on behalf of Petitioners.

---

4/12/99 -Copies of Memos to L.S.M.

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4/13/99 -Letter from P. Zimmerman regarding attachments to Mr.  
Decker's Memo filed 4/08/99 received this date; copy to L.S.M.  
(Noted that any response from Mr. Decker would also be  
forwarded to L.S.M.)

---

4/21/99 -Deliberation concluded. Petition for Reclassification  
DENIED. Written Opinion and Order to be issued; appellate  
period to run from date of written Order. (Stahl, Wescott,  
Melvin)



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl  
L. Wescott  
T. Melvin

DATE: April 12, 1999

FROM: Kathi

SUBJECT: Case No. R-99-184 /Robert S. Bundy, Sr., and Susan M. Bundy -Petitioners

The subject matter has been scheduled for public deliberation on Wednesday, April 21, 1999 at 10 a.m. A copy of that Notice of Deliberation was mailed to you on March 15, 1999. Attached are the following documents filed by Counsel with regard to this case:

1. People's Counsel's Memorandum filed April 8, 1999; and
2. Memorandum of Law filed April 8, 1999, by Ronald A. Decker, Esquire, on behalf of Robert S. Bundy, Sr., and Susan M. Bundy, Petitioners.

Should you have any questions regarding the above, or need any additional information, please call me.

kathi

Attachments

*file copy*

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl  
L. Wescott  
T. Melvin

DATE: April 13, 1999

FROM: Kathi

SUBJECT: Case No. R-99-184 /Robert S. Bundy, Sr., and Susan M.  
Bundy -Petitioners -  
Additional Correspondence - from People's Counsel

Attached for your information is a copy of a letter received this afternoon from Peter Zimmerman regarding the subject matter and the attachments to Mr. Decker's memorandum.

Should there be any response from Mr. Decker to this letter, I'll forward it to you upon receipt (unless it's close to 4/21/99 and the deliberation, in which case I'll have a copy here for you for review that morning).

Call me if you have any questions.

Attachment



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

March 15, 1999

NOTICE OF DELIBERATION

IN THE MATTER OF: ROBERT S. BUNDY, SR., AND SUSAN M. BUNDY  
CASE NO. R-99-184

Having concluded the above case on March 9, 1999, the following date and time has been scheduled for deliberation in this matter by the Board of Appeals:

DATE AND TIME : WEDNESDAY, APRIL 21, 1999 at 10:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: Memorandum of Law due from Counsel on Thursday, April 8, 1999  
(Original and three (3) copies, please).

Kathleen C. Bianco  
Administrator

---

cc: Counsel for Petitioners: Ronald A. Decker, Esquire  
Petitioners: Robert S. Bundy, Sr., and  
Susan M. Bundy

Thomas J. Hoff, Inc.

James Earl Kraft /Board of Education  
People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Jeffrey Long /Planning  
Lawrence E. Schmidt /Zoning Commissioner  
W. Carl Richards /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

copied /L.S.M.



Printed with Soybean Ink  
on Recycled Paper

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

---

**IN THE MATTER OF:** Robert S. Bundy, Sr., and Susan M. Bundy  
Case No. R-99-184

**DATE** : April 21, 1999

**BOARD /PANEL** : Lawrence M. Stahl (LSM)  
Thomas P. Melvin (TPM)  
Lawrence S. Wescott (LSW)

**SECRETARY** : Kathleen C. Bianco  
Administrator

**PURPOSE:** To deliberate Case No. R-99-184 /Petition for  
Reclassification filed by Ronald A. Decker, Esquire, on  
behalf of Robert S. Bundy, Sr., and Susan M. Bundy,  
Petitioners.

Upon deliberation between panel members, the following decision was  
reached by the Board:

Opening comments by LMS -- overview of the case at hand and BCC  
statute applicable - Section 2-356; mistake or error or substantial  
change in character of the neighborhood.

Property/use has been there many years; agreed that Petitioner  
faces a heavy burden in reclassification, and in this instance,  
this Petitioner missed the opportunity to reclassify at the last  
Comprehensive Zoning Map Process (CZMP); County Council knew /knows  
area well. There were other requests in the area; if there had  
been no issues in that area, Petitioner's argument would have been  
stronger that the County Council or Planning Board didn't know of  
area. But issues related to area were looked at and Council was  
aware.

Joppa Road widening -- was widened before the 1996 maps were drawn;  
cited Wells case -- strong presumption in favor of map and County  
Council; not in favor of piecemeal zoning; Court in Wells used  
"onerous" to describe burden of Petitioner.

Petitioner did not prove error or mistake on the part of the County  
Council; no substantial change in the character of the neighborhood  
since the last CZMP -- Petitioner should have, but did not, pursue  
as part of that process. Should be left to the County Council to  
determine what better zone would be for this property.

County people knew of changes as to road widening; because nobody  
asked and nobody looked -- that's not a mistake; looked at other  
properties in the area. As to economic reasons stated by  
Petitioner, this is not a mistake by the County Council; again,  
opportunity was there to bring this up in the last map process.  
May very well be granted more appropriate zoning in the upcoming

Deliberation /Robert S. Bundy, Sr.,  
and Susan M. Bundy /Case No. R-99-184

process.

Summary upon review of testimony, evidence, and closing memos, and at conclusion of deliberation, it was the unanimous decision of the Board that there was no error or mistake found; no subsequent events that could not have been contemplated by the Council. Even the issue of split zoning was addressed and determined to have no relevance at this time and in this instance; may be an issue for the upcoming comprehensive maps. Issues to be raised with the County Council so they may determine if another classification would be more appropriate.

Board also addressed issue of Master Plan -- was not addressed in this Petition. However, while this fact was argued by Mr. Zimmerman to be reason enough for the Petition to fail, the Board determined that there was reason already to deny Petition in that the Petitioner had not met his burden as to mistake, error, or change.


Unanimous decision that Petition for Reclassification will be DENIED. There may in fact be reasons why the property could or should be reclassified in the next map process, but there was no error or mistake shown in this matter; no substantial change in the character of the neighborhood.

The Board will issue Opinion and Order, with any appeal to the Circuit Court to be filed within 30 days after that written Order is issued.

~~~~~

**NOTE:** These minutes serve as verification that the subject case was publicly deliberated and will be included as part of the subject file; that the instant Petition for Reclassification was DENIED.

Respectfully submitted,

  
Kathleen C. Bianco  
Administrator



# Baltimore County, Maryland

## OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

March 10, 1999

CAROLE S. DEMILIO  
Deputy People's Counsel

Mr. Lawrence Stahl, Panel Chairman  
County Board of Appeals  
of Baltimore County  
401 Washington Avenue, Room 49  
Towson, MD 21204

Hand-delivered

Re: Petition for Zoning Reclassification  
3237 E. Joppa Road, S/S Joppa Rd, 125' W of c/l  
Ridgely Ave, also appx. 850' E of Harford Road  
11th Election District, 6th Councilmanic  
**ROBERT M. BUNDY, SR., ET UX., Petitioners**  
**Case No.: R-99-184**

99 MAR 10 PM 4:44  
COMMUNICATIONS SECTION

Dear Mr. Stahl:

In accordance with the Board's instructions at the conclusion of the March 9 hearing, I have copied the relevant portion of Exhibit 5, the June 15, 1995 Guidelines for the 1996 Comprehensive Zoning Map process, and sent a copy to Ronald Decker, attorney for Petitioner., and have returned the exhibit to the Board.

It is my understanding that the evidentiary record is now closed. The testimony has concluded, including all proffers. Memoranda of law are due April 8. However, the parties may not submit any more documents, exhibits, maps, or plans of any kind.

If the above appears to the Board to be inaccurate in any way, please advise. We thank the Board for its patience in this case.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

PMZ/caf

cc: Ronald Decker, Esq. (with enclosure - copy of Exhibit 5)



# Baltimore County, Maryland

## OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

April 13, 1999

CAROLE S. DEMILIO  
Deputy People's Counsel

APR 13 PM 3:55

Mr. Lawrence Stahl, Panel Chairman  
County Board of Appeals  
of Baltimore County  
401 Washington Avenue, Room 49  
Towson, MD 21204  
Hand-delivered

Re: Petition for Zoning Reclassification  
3237 E. Joppa Road  
**ROBERT M. BUNDY, SR., ET UX., Petitioners**  
**Case No.: R-99-184**

Dear Mr. Stahl:

This office must object and respond to Petitioners' presentation of additional evidence in the form of two sketch plans or layouts attached to their Memorandum. The Board of Appeals closed the evidentiary record at the conclusion of the March 9, 1999 hearing. Moreover, the "BL Zone" layout is an indirect attempt to give the impression of a documented site plan despite the filing of an open plat case.

Had these layouts been offered at the hearing, we would have exercised our right to cross examination. In any event, the layouts corroborate that CB zoning is both practical and more protective of residential areas because it reduces business density. This reduction goes along with use restrictions in the CB zone to make it a more viable candidate than BL for any rezoning. The bottom line is that these layouts reinforce the point that the Council has the legislative prerogative to decide in the Year 2000 Comprehensive Zoning Process both whether to rezone the subject property, and if so, which classification is appropriate.

Very truly yours,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman  
People's Counsel for Baltimore County


PMZ/caf

cc: Ronald Decker, Esq.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director **DATE:** August 5, 1999  
Permits & Development Management

**FROM:** Charlotte E. Radcliffe   
County Board of Appeals

**SUBJECT:** Closed Files /Case Nos.:  
R-98-366 /Eichelman Brothers, Inc.  
R-99-184 /Robert S. Bundy, Sr., and  
Susan M. Bundy  
CR-99-314-A /Mars Stores, Inc.

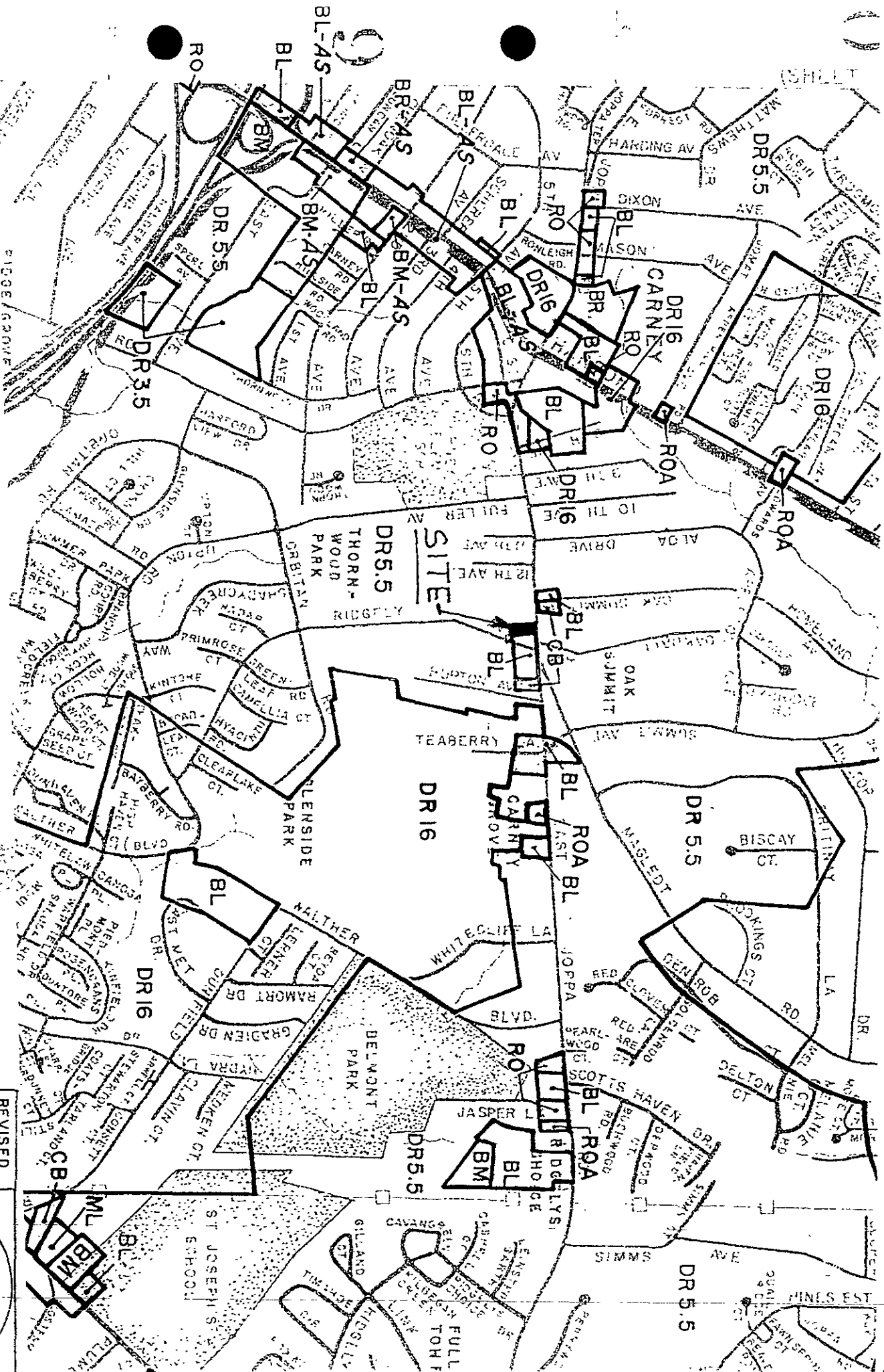
Since no appeals were taken from the Board's Orders in the above captioned cases, we are hereby closing the files and returning same to you herewith.

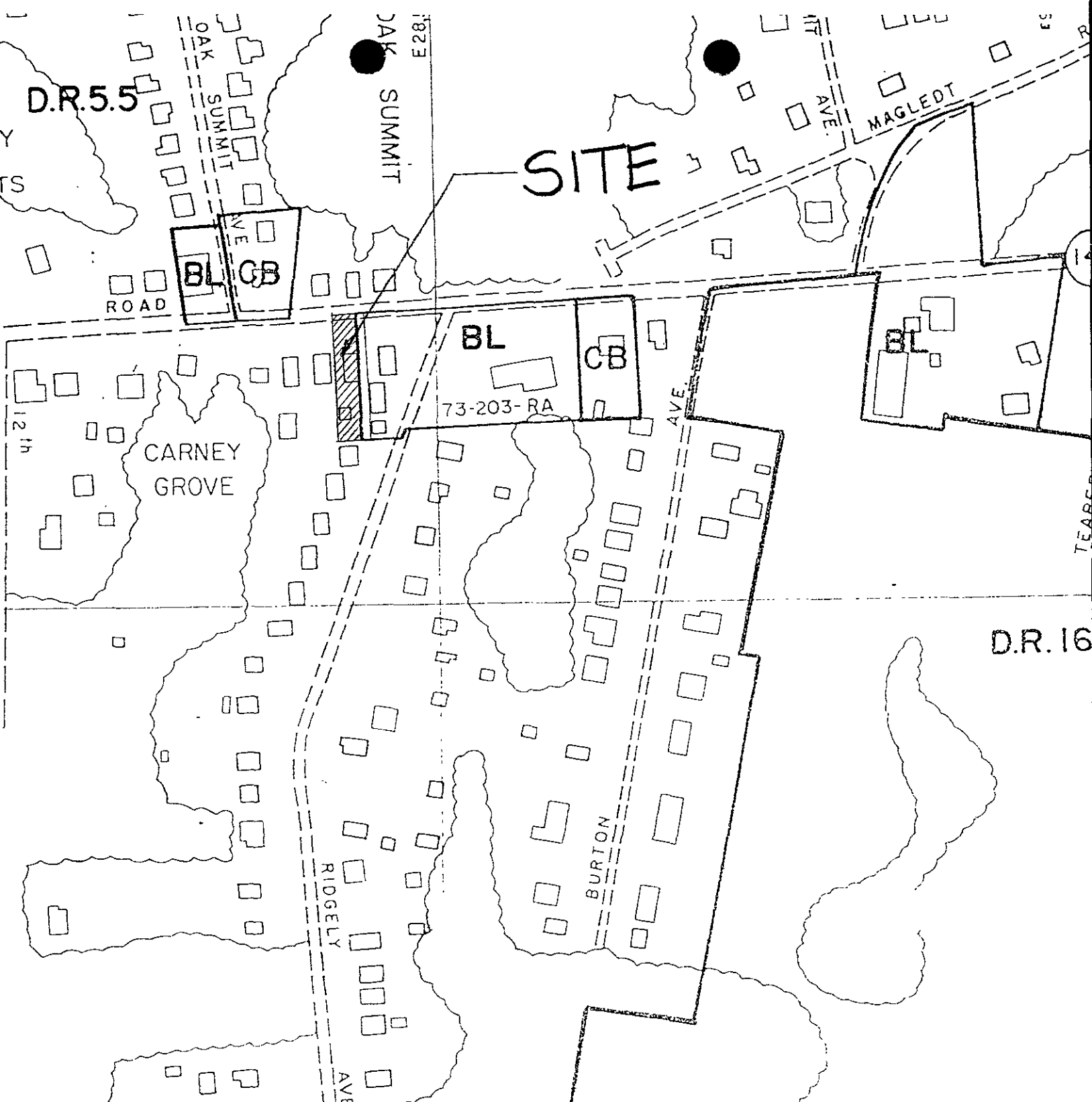
Attachment (Case No. R-98-366; R-99-184 and CR-99-314-A)



OVERLEA R-99-184  
Scale

4





|                                           |                           |                    |
|-------------------------------------------|---------------------------|--------------------|
| SCALE<br>1" = 200' ±                      | LOCATION<br><br>PARKVILLE | SHEET<br><br>N. E. |
| DATE OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                           | 9-E                |

## **RESUME**

**THOMAS J. HOFF**

**THOMAS J. HOFF, INC.**  
406 West Pennsylvania Avenue  
Towson, Maryland 21204  
410-296-3668

### **EDUCATION:**

Bachelor of Science Landscape Architecture,  
Magna Cum Laude  
West Virginia University, 1976

### **EXPERIENCE:**

January 1992 to Present.  
**THOMAS J. HOFF, INC.**  
Towson, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.  
**HOFF & ANTONUCCI, INC.**  
Lutherville, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

*Peterson #1*

Thomas J. Hoff  
Resume (cont.)

July 1983 to December 1986.

HOFF, ROSENFELT, AND WOOLFOLK, INC.

Owings Mills, Maryland

Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.

DEVELOPMENT DESIGN GROUP LIMITED

Towson, Maryland

Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.

DAFT McCUNE & WALKER, INC.

Towson, Maryland

Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

#### ORGANIZATIONS:

Baltimore Association of Landscape Architects

#### PROFESSIONAL REGISTRATION:

Registered Landscape Architect (1981)

Maryland - No. 493

**Zoning Hearings:**

2448 Spring Lake Drive, Baltimore County - Sideyard Variance, Residential, Case No. 99-71-A, 1998.

9608 & 9610 Belair Road, Baltimore County - Special Exception for Class B Group Child Care, Special Hearing and Variances, Case No. 98-282-SPHXA, 1998.

7303 Belair Road, Baltimore County - Setback Variances, Case No. 98-192-A, 1997.

CVS Pharmacy, 9519 Philadelphia Road, Baltimore County - Parking and Setback Variances, Case No. 97-395-A, 1997.

114 Dundalk Avenue, Baltimore County - Variance, Case No. 96-484-A, 1996.

3419 Sweet Air Road, Baltimore County - Parking Variance for Restaurant, 1996

Rolling View Green, Baltimore County - Special Hearing and Variances, Case No. 95-432-SPHA, 1995.

The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No. 94-464-A, 1994.

1110 Reisterstown Road, Baltimore County - Variances and Special Hearing, Case No. 94-248-SPHA, 1994.

Edgewood Senior Center, Harford County - Special Exception and Variances, 1994

Hyatt Property, Baltimore County - Setback Variance, 1994

Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993

Painters Mill Executive Office Park, Baltimore County - Sign Variance

204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Amoco Oil, Route 40, Harford County - Setback Variance

**Zoning Hearings:**

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Amoco Oil, Carroll Plaza, Carroll County - Sign Variance

Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County -Parking Variance

Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance

**Board of Appeals:**

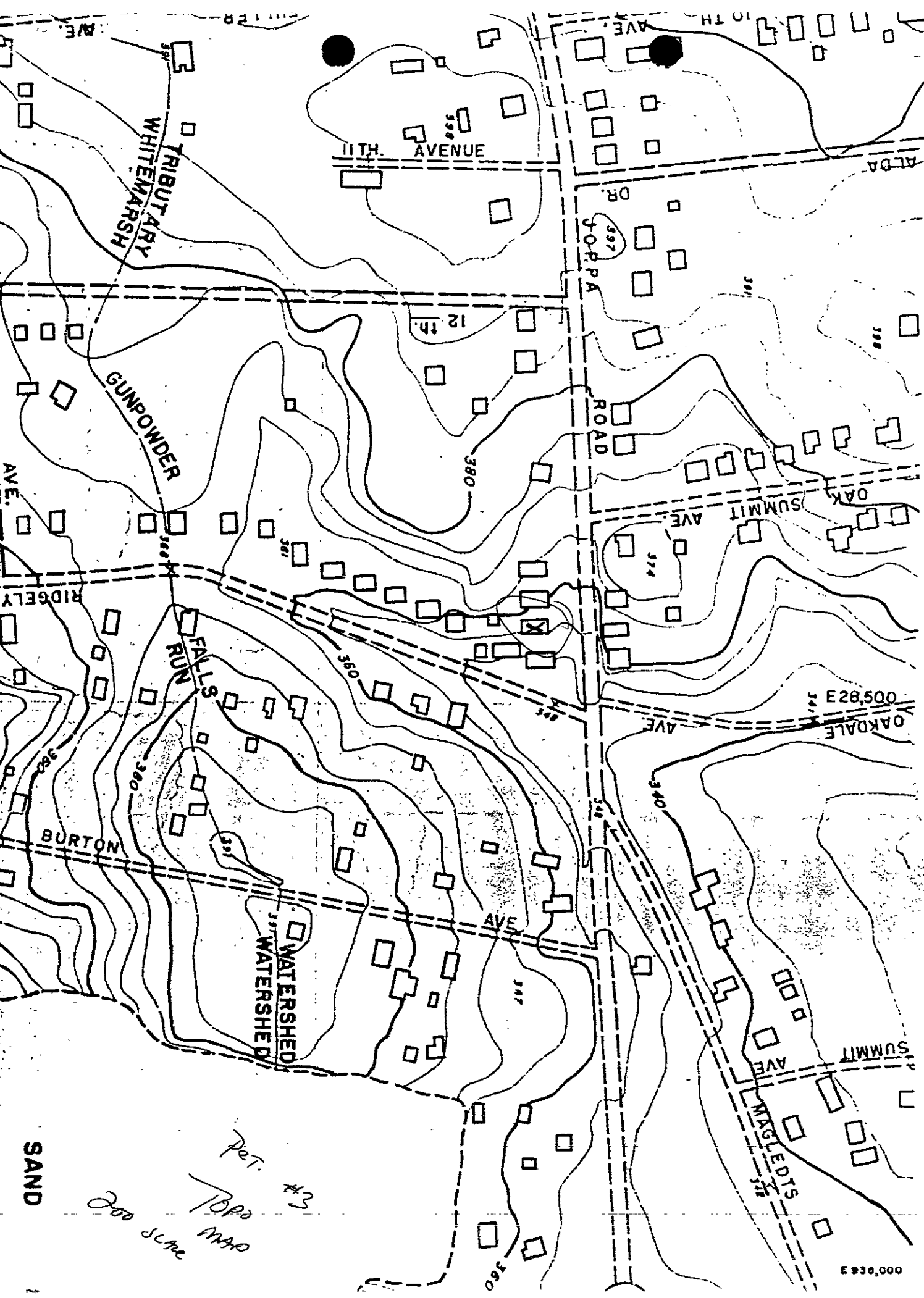
Easter Property, Baltimore County - CRG Appeal, 1994

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Pizza Palace, Baltimore County - Parking Variance for Restaurant

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance



SAND

Pet. #3  
TOPO  
MAP  
200 scale

0.005823

Road  
way

SUMMIT  
AVE.

MAGLEDT  
ROAD

E 300,000

ROAD

N 36,000  
E 30,000

D.R. 5.5

SNOWBALL  
STAND  
& LOT

148

MULTI-VEHICLE  
GARAGE AND  
STORAGE

BL

BL

ROAD

BL

AVE.

TEABERRY  
LA.

N 35,000

D.R. 16

OAK CREST VILLAGE

SCALE

1" = 200'

LOCATION

WILKINSONVILLE

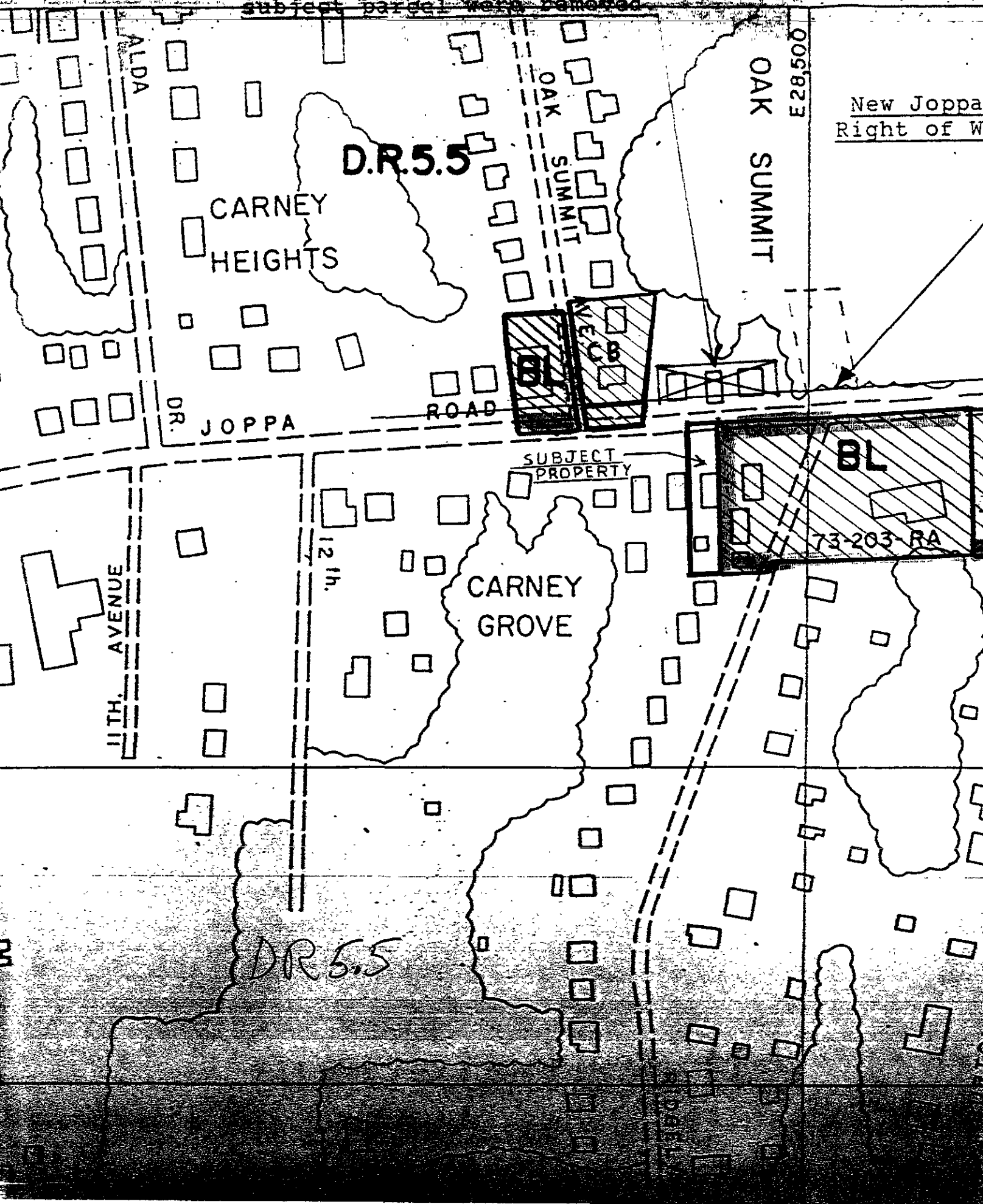
SHEET

N.E.

Petterson 7/4



Three houses to the east of the  
subject parcel were removed.



3237 E. Joppa Road - Looking South



A

3237 and 3239 E. Joppa Road - Looking South



B

Pettrow  
5A-SE

3237 and 3239 E. Joppa Road - Looking Southeast



C

3237 and 3239 E. Joppa Road - Looking Southwest



D

3239 E. Joppa Road - Looking West



⑤

This Deed, MADE THIS 4<sup>th</sup> day of April

in the year one thousand nine hundred and Ninety-four by and between

Barry R. Stansbury, individually and as Surviving Trustee under the Will of Rose Riley Wolff,

of of the first part, and

Robert S. Bundy and Susan M. Bundy, his wife

of the second part.

WITNESSETH, That in consideration of the sum of Two hundred twenty thousand and fifty-eight and 00/100 Dollars (\$220,058.00), the receipt whereof is hereby acknowledged,

the said parties of the first part

do grant and convey to the said parties of the second part, as tenants by the entirety,

their

personal representatives/successors and assigns, in fee simple, all

those lots of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

See schedule A attached hereto.

Buyers affirm that this property is improved by a residence, and that they intend to occupy said property as their principal residence.

Robert S. Bundy Sr.  
Robert S. Bundy

Susan M. Bundy  
Susan M. Bundy

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Baltimore County

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE [Signature] DATE 4/6/94

[Signature] 4/6/94  
By Date

Pet. #4

Schedule A

Beginning for the first and being known and designated as Lots 22 and 23 as shown on the Plat of Carney Grove, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 20. The improvements thereon being known as No. 3237 E. Joppa Road.

Being the same lot which by deed dated May 18, 1978, recorded among said Land Records in Liber EHK, Jr. No. 5889, folio 038, was granted and conveyed by Wheeler Holding, Inc. to Rose R. Wolff and Barry R. Stansbury, as joint tenants, said Rose R. Wolff having departed this life on or about 3-29-86, thus vesting title in Barry R. Stansbury, one of the grantors herein.

And beginning for the second and being known and designated as Lots 24, 25 and 26 on the Plat of Carney Grove, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 20. The improvements thereon being known as No. 3239 E. Joppa Road and No. 9528 Ridgely Avenue.

Being the same lot which by deed dated August 10, 1989, recorded among said Land Records in Liber SM No. 8249, folio 557, was granted and conveyed by Barry Stansbury, et al., Personal Representatives to Barry Stansbury, individually as to a 3/4 undivided share and to Barry Stansbury, surviving Trustee under the Will of Rose Riley Wolff, as to a 1/4 undivided share. Said Barry Stansbury is also known as Barry R. Stansbury.

Saving and excepting, however, all that portion of said lots which was conveyed to Baltimore County, Maryland in Inquisition dated 9-1-92, recorded in SM 9557, folio 729, etc.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot s of ground and premises to the said Robert S. Bundy and Susan M. Bundy, his wife, as tenants by the entirety, their personal representatives/successors and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor s

Test:

John H. Mitnick

Barry R. Stansbury (SEAL)  
Barry R. Stansbury

Barry R. Stansbury (SEAL)  
Barry R. Stansbury, Trustee

STATE OF MARYLAND, Baltimore City, to wit:

I HEREBY CERTIFY, That on this 4<sup>th</sup> day of April, in the year one thousand nine hundred and ninety-four, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Barry R. Stansbury, individually and as Trustee, and Robert S. Bundy and Susan M. Bundy known to me (or satisfactorily proven) to be the person s whose name s is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

1-1-98

John H. Mitnick  
John H. Mitnick  
NOTARY PUBLIC  
BALTIMORE COUNTY, MD.

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

John H. Mitnick  
(Signature of attorney admitted to practice in Maryland if the instrument has been prepared by or under the supervision of such attorney, or signature of a party to the instrument if such party has prepared the instrument)  
John H. Mitnick

①

DEED

FROM

.. Barry R. Stansbury, et al.....

.....

TO

.. Robert S. Bundy, and.....

.. Susan M. Bundy.....

Block No. ....

Received for Record, ....., 19.....,

at ..... o'clock ... M. Same day recorded

in Liber ..... No. .... Folio ..... &c.,

one of the Land Records of .....

....., and examined per

....., Clerk.

Cost of Record, \$:.....

**MATINICK & MATINICK**  
ATTORNEYS AT LAW  
201 N. CHARLES ST. - SUITE 1212  
BALTIMORE, MARYLAND 21201



RECEIVED  
COUNTY BOARD OF APPEALS

98 NOV -6 PM 2:47

Cycle IV Item #1  
Revised 11/5/98

OK ucr

**COMMENTS IN SUPPORT OF RECLASSIFICATION**

**Robert S. Bundy, Sr. and  
Susan M. Bundy  
3237 E. Joppa Road  
Baltimore, Maryland 21234**

perman #7  
J.O.

Robert S. Bundy, Sr. and Susan M. Bundy, his wife, Applicants, request a rezoning of a portion of 3237 E. Joppa Road from DR5.5 to BL because the last classification of the property was established in error. The present 200' zoning map shows that a portion of the Applicant's fifty (50) feet wide lot has the same BL zoning as the Applicant's adjoining property, but that the balance of the lot is zoned DR5.5. During the last comprehensive re-zoning in 1996, the County Council was probably unaware that the Applicants owned the subject land containing the mixed zoning as well as the BL zoned adjacent property at the intersection of Ridgely Avenue and Joppa Road that had its parking lot diminished by the widening of Joppa Road. The County Council likely presumed that the Applicants desired to continue the DR5.5 zoning for the subject property. The Council's reliance upon those presumptions led to an error in the continued zoning of the subject property as DR5.5.

The Applicants' property at 3237 E. Joppa Road is zoned BL on the east portion and DR 5.5 on the west portion. The present BL zoning line appears to lie on the east wall of a structure on the lot.

If re-zoning to BL is approved, the Applicants would integrate the subject property with the Applicants' BL zoned corner property so that an economically viable commercial activity could take place on the property. All of the structures on the adjoining parcels are obsolete and are architecturally inconsistent.

The Master Plan includes the Carney section of the Eastern Sector of Baltimore County as a community conservation area. The Plan seeks to encourage effort to maintain and enhance the physical, social and economic resources of such older communities. The Applicants desire to accomplish the same goal, but are stymied because of the relatively small parcels that have two (2) different zoning classifications. If they could consolidate use of the parcels under the same BL zoning, they expect to improve or replace the existing obsolete structures for the betterment of the community. There will be very little incentive to invest capital if the current conditions continue to exist.

The subject property is located within a portion of Joppa Road which has evolved into a commercial area. BL zoning exists to the east and west, commercial

**R-99-184**

**REV. 11-5-98**

3237 E. Joppa Road  
Comments in Support of Re-zoning  
P. 2

activities are present on DR5.5 and DR 16 property along Joppa Road in the immediate vicinity.

The Council recognized the need for community services when it re-zoned several parcels on this portion of Joppa Road in the last comprehensive re-zoning. The need to provide services to the hundreds of residents that live between Harford and Belair Roads, including those in the Oak Crest Village, support the decisions that have been made. The addition of the balance of the Applicants' 50 foot wide parcel to their BL zoned areas will give the Applicants an opportunity to better serve the residents in the community with a more attractive and accessible operation.

The proposed reclassification is warranted by the errors identified previously. Reclassification will permit better use of the Applicants' adjoining parcels and will be consistent with the factors identified in the Baltimore County Code, Section 2-356(j). The population has increased in the Joppa Road corridor between Belair Road and Harford Road. Recent roadway widening has provided adequate access. Water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities will not be materially or adversely affected, and the use will be consistent with the character of the surrounding area. The Applicant does not foresee any Baltimore County capital improvements being required if the reclassification is granted.

Mr. and Mrs. Bundy urge the Board of Appeals to recognize the limited utility of retaining residential zoning for a portion of 3237 East Joppa Road. It is surrounded by commercial properties and uses on the north and south sides of Joppa Road. They believe that community residents would appreciate having a clean, well-designed, and esthetically pleasing business occupy the land owned by the Applicants, and would want replacement of the hodgepodge of structures which currently exist.

H:\WP\RONA-F\BUNDZON.WPD

Petitioner #8

# -PETITION-

## for REZONING

From: Existing Zoning DR 55 at 3237 East Joppa Road  
To: New proposed Zoning BL at 3237 East Joppa Road

SUBJECT: Premises known as 3237 East Joppa Road Baltimore MD 21234, Tax Map #71, Grid #6, Parcel #1142, Lots 22&23, Councilmanic 6. Carney Grove subdivision Baltimore County MD, Election district 11. Owners of this entire corner of East Joppa Road & Ridgely Avenue have always had a BL Zoning at 3239 East Joppa Road and 9528 Ridgely Avenue (same Joppa Rd. & Ridgely Ave. corner).

Date: March Day: 9 / 1999 Time: 10:00 AM

Please print Name & Phone# if you are "FOR" this petition for Rezoning

- |                                                 |                                          |
|-------------------------------------------------|------------------------------------------|
| 1 <u>Donna Kolarik 410-955-9549</u>             | 21 <u>Lodger Thomas 238-3608</u>         |
| 2 <u>JEAN ANTHONY 410-665-3206</u>              | 22 <u>Wahid Meem 256-4527</u>            |
| 3 <u>Maureen Bottomley 410-661-7920</u>         | 23 <u>Carolyn Harris 529-7883</u>        |
| 4 <u>Francis Balakin 661-8602</u>               | 24 <u>Donna Vick 529-6786</u>            |
| 5 <u>Angela Talletani 410-256-7906</u>          | 25 <u>Jennifer Vick 529-8278</u>         |
| 6 <u>Teresa E. Hobbs 410-256-4614</u>           | 26 <u>John H. Hogen 256-7456</u>         |
| 7 <u>George L. Ford 410-529-6964</u>            | 27 <u>Leanne M. Albright 668-3215</u>    |
| 8 <u>Linda Clayton 410-256-0062</u>             | 28 <u>Michael D. Rakowski 665-1483</u>   |
| 9 <u>Bonnie Dallas 410-592-9258</u>             | 29 <u>James P. Baeten 256-2791</u>       |
| 10 <u>Mary Ellen Hill 410-661-6398</u>          | 30 <u>David M. White 256-1138</u>        |
| 11 <u>Rosemary Hochstein 410-665-5378</u>       | 31 <u>Jon Platt 218 0404</u>             |
| 12 <u>Lee &amp; Lillian Rogers 410-665-2978</u> | 32 <u>Joseph Bruckmeyer 410-256-9264</u> |
| 13 <u>Sandra Russell 410-687-1186</u>           | 33 <u>Tom HESS JR 410-569-1772</u>       |
| 14 <u>Jan Jordan 410 529-0736</u>               | 34 <u>John M. Connor 410-933-8900</u>    |
| 15 <u>Gabriella Kuwadorosi 410-981-2507</u>     | 35 <u>Bruce A. Sherk 410-569-0285</u>    |
| 16 <u>Linda Kotz 410-529-2508</u>               | 36 <u>Robert Jackson 410-242-2719</u>    |
| 17 <u>Patricia Belmont 410-688-7920</u>         | <u>Mauf De Martin 410-668-4199</u>       |
| 18 <u>Nancy C. Demory 410-931-6338</u>          | 37 <u>Dennis Hamilton 410-256-04</u>     |
| 19 <u>Wayne Wood 6607 Bela Rd</u>               |                                          |
| 20 <u>Joseph L. Lora JR 410 256 2842</u>        | 40                                       |

# -PETITION-

## for REZONING

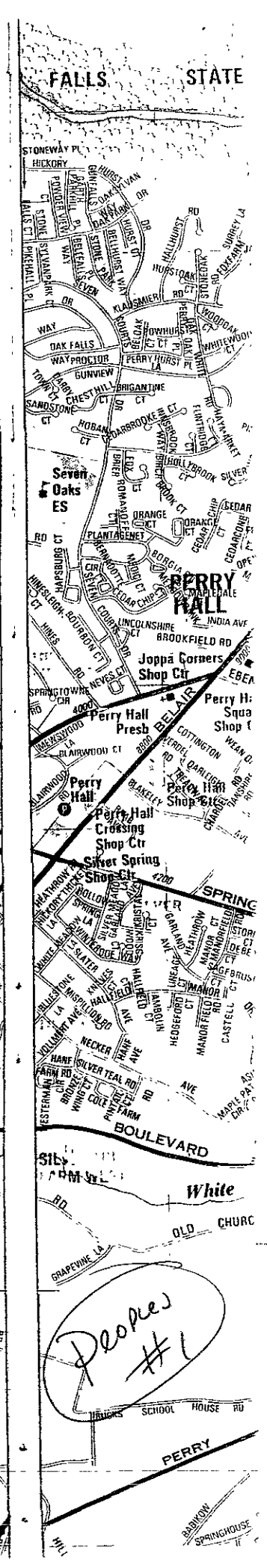
From: Existing Zoning DR 55 at 3237 East Joppa Road  
To: New proposed Zoning BL at 3237 East Joppa Road

SUBJECT: Premises known as 3237 East Joppa Road Baltimore MD 21234, Tax Map #71, Grid #6, Parcel #1142, Lots 22&23, Councilmanic 6. Carney Grove subdivision Baltimore County MD, Election district 11. Owners of this entire corner of East Joppa Road & Ridgely Avenue have always had a BL Zoning at 3239 East Joppa Road and 9528 Ridgely Avenue (same Joppa Rd. & Ridgely Ave. corner).

Date: March Day: 9 / 1999 Time: 10:00 AM

Please print Name & Phone# if you are "FOR" this petition for Rezoning

|                                               |                                               |
|-----------------------------------------------|-----------------------------------------------|
| 1 <del>Donna Kolarik</del> 410-955-9549       | 21 <del>Mrs. P. J. J.</del> 410-836-0474      |
| 2 <del>JOHN ANTHONY</del> 410-668-3206        | 22 <del>Bob P.</del> 410-256-3630             |
| 3 <del>Maudie Bottomley</del> 410-661-7920    | 23 <del>Michael S.</del> 410-321-9285         |
| 4 <del>Frances Balakin</del> 661-8602         | 24 <del>Reslie J.</del> 410-887-2417          |
| 5 <del>Angela Taffetani</del> 410-256-4406    | 25 <del>Pat M.</del> 410-542-7413             |
| 6 <del>Teresa S. Hobbs</del> 410-256-4614     | 26 <del>Mrs. Harry Clemens</del> 410-665-3600 |
| 7 <del>George L. Reed</del> 410-529-6964      | 27 <del>3221 E. Joppa Rd.</del> 21234         |
| 8 <del>Sandy Clayton</del> 410-256-6062       | 28 <del>Lisa Becka</del> 3235 E. Joppa Rd.    |
| 9 <del>Alnette Dumas</del> 410-592-9258       | 29 <del>Arleen Jordan</del> 9522 Ridgely Ave. |
| 10 <del>Mary Ellen Wells</del> 410-661-6398   | 30                                            |
| 11 <del>Rosemary Hochstein</del> 410-665-5378 | 31                                            |
| 12 <del>Judy C.</del> 410-529-5832            |                                               |
| 13 <del>Bob G.</del> 410-661-1744             | 33                                            |
| 14 <del>Loretta Rutkowski</del> 410-256-7503  | 34                                            |
| 15 <del>Janice E. G.</del> 410-668-0106       | 35                                            |
| 16 <del>Lynn Keeny</del> 410-256-8833         | 36                                            |
| 17 <del>Doris M. Coats</del> 410-256-8494     | 37                                            |
| 18 <del>Agg. J.</del> 410-256-6085            | 38                                            |
| 19 <del>Lucinda H. Kemmel</del> 410-256-6390  | 39                                            |
| 20 <del>Kimberly Spatore</del> 410-529-9207   | 40                                            |



*The Carney Improvement Association  
P.O. Box 28282  
Parkville, Maryland 21234-8282  
(410) 663-0056*

RESOLUTION

**BE IT RESOLVED:** That during our regular meeting on December 17th, 1998 and following Board of Directors meetings, the matter of re-zoning of the property located at 3237 E. Joppa Road was discussed. After investigation and visits to the site, our membership and Board decided to oppose any reclassification in zoning for this property. The following reasons were cited:

1. Overwhelming opposition from the **residents of the area** (homeowners).
2. The current traffic congestion and poor access to the property.
3. The past track record of the property owners in mitigating current and past problems with his neighbors.

The Carney Improvement Association's position in this matter is to oppose any such change in current zoning as requested.

ATTEST:

THE CARNEY IMPROVEMENT ASSOCIATION

  
(Secretary)

  
(President)

DATE 3-2-99

People's  
#3

*The Carney Improvement Association  
P.O. Box 28282  
Parkville, Maryland 21234-8282  
(410) 663-0056*

**RESOLVED:** That at the October 22nd, 1998 general meeting of the Carney Improvement Association, it was decided by the Association that responsibility for review and action on all zoning matters for the period of the one year term of it's officers be placed in the Board of Directors, consisting of the following members:

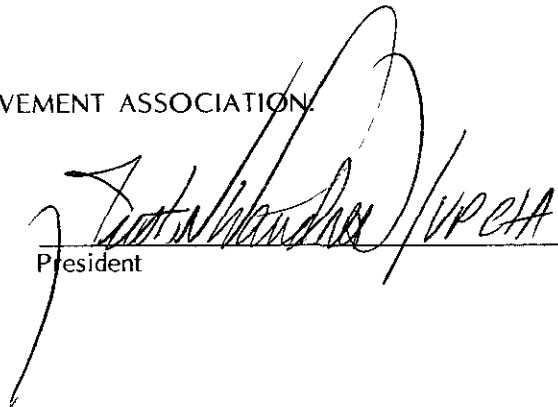
|                      |                 |
|----------------------|-----------------|
| PRESIDENT:           | Michael A. Rupp |
| VICE PRESIDENT:      | Justin Wandres  |
| SECRETARY:           | Sherry Mitzel   |
| RECORDING SECRETARY: | Bill Heckner    |
| TREASURER:           | Betty Fannin    |
| SERGEANT-AT-ARMS     | Paul DeSimone   |

AS WITNESS OUR HANDS AND SEAL THIS 2ND day of

MARCH, 1999.

ATTEST: THE CARNEY IMPROVEMENT ASSOCIATION.

  
Secretary

  
President


*The Carney Improvement Association*  
*P.O. Box 28282*  
*Parkville, Maryland 21234-8282*  
*(410) 663-0056*

**AFFIDAVIT**

**STATE OF MARYLAND**  
**BALTIMORE COUNTY, SS:**

**TO WIT:**

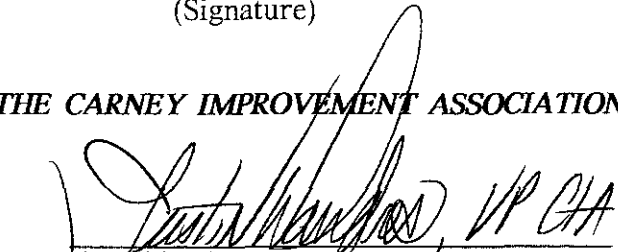
I hereby swear upon penalty of perjury that I am currently a duly elected member of the (board of directors) (Zoning Committee) of the **CARNEY IMPROVEMENT ASSOCIATION**.

  
(Signature)

**ATTEST:**

**THE CARNEY IMPROVEMENT ASSOCIATION**

  
(Secretary)

  
(President)

DATE: 3-2-99



# Greater Parkville Community Council

*Help Unite Northeast Baltimore County - For A Better Community*

## RESOLUTION

**Resolved:** That at the general meeting of the Greater Parkville Community Council (GPCC) held on February 10, 1999 it was decided by the Council that responsibility for review and action on all zoning and development related matters be the responsibility of the Board of Directors consisting of the following members:

Ernest Baisden, President  
Nancy Hilsher, Vice President  
Jana Leonard, Treasurer  
Ruth Baisden, Secretary  
Bob Carpenter, Director  
Gregory Leverton, Director

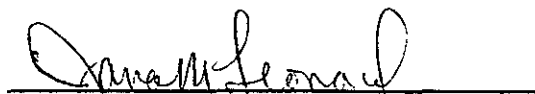
As witness this day of March 6, 1999.

ATTEST:

Greater Parkville Community Council

  
Secretary

  
President

  
Board Member Witness

  
Board Member Witness

Peoples #4

# Greater Parkville Community Council

Help Unite Northeast Baltimore County - For A Better Community

## AFFIDAVIT


STATE OF MARYLAND  
BALTIMORE COUNTY

TO WIT:


I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors of the Greater Parkville Community Council.

ATTEST:

  
Ruth Baisden  
Greater Parkville Community Council

  
Secretary

  
President

  
Board Member Witness

  
Board Member Witness

March 8, 1999

# Greater Parkville Community Council

*Help Unite Northeast Baltimore County - For A Better Community*

## RESOLUTION

**Resolved:** That the position of the Greater Parkville Community Council (GPCC) as adopted by the Board of Directors on the zoning matter known as:

|                                    |                      |
|------------------------------------|----------------------|
| <b>Reclassification of Zoning:</b> | Case Number R-99-184 |
| <b>Location:</b>                   | 3237 E. Joppa Road   |

is that:

the surrounding area is predominantly residential. There has not been a substantial change in the area to warrant a change in zoning and the existing zoning is not in error. In addition the 1996 Comprehensive Zoning Guidelines recommended against rezoning properties to commercial use along Joppa Road.

Since the petitioner did not submit an open site plan or documented site plan at the time of application we can not support a change in zoning. The application should be denied and resubmitted with plans. Without a plan we do not know the intent, future use, or impacts that may be caused by the proposed zoning change to the community as a whole or to the surrounding residential properties. Listed are the community's general concerns with any proposed commercial development at this location.

- There is no transitional zoning between commercial BL zoning and residential DR5.5.
- There is a need for screening and a buffer area between the commercial and residential properties.
- A lighting plan needs to be approved by Baltimore County. Light should not reflect on to residential property.
- Additional traffic generated on Joppa Road and residential streets from newly rezoned development.
- Need to address any overflow parking that may occur on residential streets.
- Restrict time of truck delivers.
- Restrict noise that may be caused by the newly rezoned business.
- Location of dumpsters need to be placed away from residential properties.
- Loss of residential property values due to rezoning and impacts received from commercial development.

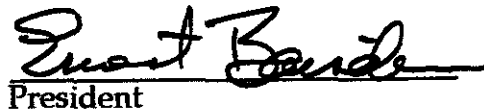
- The area is not deficient in commercial properties. There are commercial properties along Joppa Road that are under utilized or vacant. Parkville's Central Business District, along Harford Road, is targeted for revitalization and is experiencing long term vacancies.

As witness this day of March 8, 1999.

ATTEST:

Greater Parkville Community Council

  
Secretary

  
President

  
Board Member Witness

  
Board Member Witness

**Baltimore County  
Growth Management Program**

**GUIDELINES FOR  
THE 1996  
COMPREHENSIVE  
ZONING MAP PROCESS**



**Adopted by the Baltimore County  
Planning Board  
June 15, 1995**

**Amended July 6, 1995**

P.C. #5



Baltimore County  
Planning Board

401 Bosley Avenue  
Towson, Maryland 21204  
(410) 887-3495  
Fax: (410) 887-5862

July 5, 1995

Honorable Vincent J. Gardina  
Chairman  
Baltimore County Council  
Towson, Maryland 21204

Dear Councilman Gardina:


Enclosed is a Final Report of the Baltimore County Planning Board regarding "Guidelines for the 1996 Comprehensive Zoning Map Process." The report was prepared in furtherance of directives in the Baltimore County Master Plan 1989-2000, and was adopted by the Planning Board on June 15, 1995 as an amendment to the Master Plan.

The Guidelines constitute part of the Growth Management Program for implementing the Master Plan. They are expressed in an advisory ("should" or "may") format for use by the Board in evaluating the individual issues in the 1995-96 comprehensive mapping process. The Board recommends the Guidelines to the Council both as a formal amendment to the Master Plan and for Council's use in the mapping process.

Included with the Final Report, for the Council's file, is a full-sized set of the three maps referenced in the document. Additional sets of the maps, at 11" x 17" size, will be sent within ten days to each recipient of this letter, and will accompany the reference copies of the Report which will be available in advance of the Council's public hearing.

Formal action for amending the Master Plan at the Council's earliest convenience would be appropriate. The Planning staff stands ready to assist the Council.

Sincerely,



Pat Keller, Secretary  
for Baltimore County Planning Board

PK/TD/mjm  
GARDINA/PZONE/TXTMJM  
Attachment

cc: The Honorable C.A. Dutch Ruppertsberger, County Executive  
Members, Baltimore County Council  
Merreen E. Kelly, Administrative Officer  
Thomas Peddicord, Legislative Counsel/Secretary  
Lawrence Schmidt, Zoning Commissioner  
Virginia W. Barnhart, County Attorney  
Patrick Roddy, Legislative Relations  
Arnold Jablon, Director, Permits & Development Management  
Peter Max Zimmerman, People's Counsel



Baltimore County  
Planning Board

401 Bosley Avenue  
Towson, Maryland 21204  
(410) 887-3495  
Fax: (410) 887-5862

RESOLUTION  
Adopting and Recommending  
a Report on  
GUIDELINES FOR THE  
1996 COMPREHENSIVE ZONING PROCESS

WHEREAS, the adopted Master Plan 1989-2000 (p. 22) calls for the preparation of "a revised 'Land Use Policy Statement' for approval by the Planning Board and County Council prior to the Comprehensive Zoning Cycle"; and

WHEREAS, the Master Plan provides additional land use and growth management policies (particularly in pages 81-83); and

WHEREAS, a Staff Report dated March 15, 1995 proposing Guidelines for use by all parties involved in the 1996 comprehensive zoning mapping process was prepared in furtherance of these Master Plan directives; and

WHEREAS, the Staff Report was the subject of a Public Hearing by the Board on May 4, 1995, and was discussed in Committee meetings on May 18 and June 15, 1995; now, therefore, be it

RESOLVED, pursuant to Section 26-31 of the Baltimore County Code, 1988, that the Planning Board hereby adopts the March 1995 Staff Report, as amended in Committee on May 18th and June 15th, and including the accompanying up-dated maps of Growth Management Areas. Existing Land Use and Proposed Land Use, to constitute the Board's "Guidelines for the 1996 Comprehensive Zoning Map Process" to be used by the Board as advisory policies and principles for making evaluations and recommendations on the individual issues in the comprehensive map process; and be it further

RESOLVED, pursuant to Section 26-81 of the County Code, 1988, that the Report and maps, as amended, are hereby adopted by the Planning Board to constitute a part of and an amendment to the Baltimore County Master Plan 1989-2000; and be it further

RESOLVED, that the Report and maps, as adopted, shall be transmitted to the Baltimore County Council for adoption in accordance with Section 523(a) of the Baltimore County Charter.

DULY ADOPTED by vote of the  
Planning Board this 15th day  
of June, 1995

A handwritten signature in dark ink, appearing to read "Pat Keller", is written over a horizontal line.

Pat Keller  
Secretary to the Planning Board

## 1996 Comprehensive Zoning Map Process

In adopting the 1989-2000 Baltimore County Master Plan, the County Council approved Land Use Maps and policies to guide the Comprehensive Zoning Map Process (CZMP). The Master Plan requires that these maps be updated and the Land Use policy statements be revised for use in each Comprehensive Zoning Map Process. This report implements this directive by recommending county-wide and area specific Zoning Guidelines, based on the policies of the Master Plan and its update. The purpose of the Zoning Guidelines is to set an overall framework for the review of zoning requests by County agencies, Planning Board, and County Council during the 1996 CZMP.

### Zoning Request Review

The purpose of the Zoning Guidelines is to ensure a consistent basis for reviewing zoning requests with the goal of maximizing the best interests of Baltimore County. All zoning requests will be reviewed on a case by case basis. Requests will be reviewed for conformance with the county-wide zoning guidelines, applicable Growth Management Area or study area guidelines, the Proposed Land Use Map, and any applicable adopted community plan, and be evaluated relative to their economic benefit to the County. During all review periods, additional information submitted by the petitioner and/or reviewing agencies will be considered.

In adopting the 1989 Master Plan, the County Council stated that the Master Plan, and thus the Proposed Land Use maps and Zoning Guidelines should not be binding, but acknowledged their value as a critical policy document and required Councilmembers who recommend zoning that is inconsistent with the Master Plan to ".... issue a statement at the time of the vote citing the reason for lack of conformity". In cases where the request does not seem to be in conformance with the Master Plan, additional information should be supplied about the special circumstances of the site, the merits of the request, the needs of the community, or the benefit to the County which would justify a change in the zoning classification.

### New Zones/Zoning Initiatives

A brief description of new zoning classifications and districts that have been adopted since the 1992 CZMP has been provided as follows:

- S-E     The Service-employment (S-E) zone was established to permit and encourage the development of general offices, related business uses and small, light industrial uses. The regulations provide for flexibility in the combination of uses permitted in the S-E zone. However, development of buildings



and type of uses are restricted to insure compatibility with surrounding residential areas.

- R-O-A The R-O-A zone was established to accommodate dwellings converted to office use in predominately residential areas. The placement of R-O-A should be based on factors such as adjacent non-residential activity, heavy commercial traffic, or other similar factors. The residential appearance of the existing structure and the residential setting of any building converted to office use should be highly compatible with neighboring residential character.
- C.B. The Community Business (C.B.) zone provides for daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The development in this zone should accommodate pedestrian as well as vehicular access. The C.B. zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood.
- B.L.R. The primary purpose of the Business Local-Restricted (B.L.R.) zone is to provide for a range of retail and service uses, some of which may be of a larger scale than found in the C.B. zone. The B.L.R. zone requires performance standards which protect adjacent communities from excessive vehicular congestion, use, intensity, and noise.  
Note : Any petition for the C.B. zone or the B.L.R. zone by a party other than the Director of the Office of Planning, the Planning Board, or the County Council shall be accompanied by documentation as described in Section 2-356 (L) of the Baltimore County Code, and by architectural renderings and elevations.
- OR-1 The purpose of the Office Building/Residential (OR-1) zone is to accommodate development or limited enlargement of conventional office buildings that are highly compatible with adjacent residential uses. In this zone, residential development is permitted at the density equivalent of DR 5.5.  
It should be noted that it is the intent that OR-1 be continued for any property presently mapped as O-1, and that this zone should not be applied by the Council or the Board of Appeals to additional acreage.
- OR-2 The purpose of the Office Building/Residential (OR-2) zone is to provide for development of a limited number of spacious, well-landscaped office parks. It is intended that any development in an OR-2 zone be designed, built, and maintained so that it will be an enhancement to the community. In this

zone, residential development is permitted at the density equivalent of DR 10.5.

In both the OR-1 and OR-2 zones, residential development is permitted at the density equivalent of DR 5.5 for OR-1, and DR 10.5 in OR-2.

- O-3 The O-3 zone was created to allow only office development (similar to what is allowed in OR-2), but with no residential density permitted.
- A-S The Automotive-Service (A.S.) district was enacted to accommodate auto-oriented businesses while including standards and regulations that would improve buffers next to residential areas, and upgrade the appearance through design, landscaping, and screening. The A.S. district permits service stations by right in select locations, and by Special Exception in individual sites. The appropriateness of the location of convenience stores and car washes is addressed in these district regulations.
- PUD-C The Commercial Planned Unit Development (PUD-C) is an essential component of community conservation aimed at strengthening existing commercial activity and encouraging the redevelopment of vacant or abandoned commercial properties. The applicant would provide benefit to the public beyond what the County would obtain if the site was developed according to the conventional regulations.

Properties that are potential sites for a PUD-C application must be mapped in a PUD-C opportunity area, and must be zoned according to the allowable zones for PUD-C.

## COUNTY-WIDE ZONING GUIDELINES

Baltimore County entered the 1990's as a mature suburban county with well-established land use patterns. The 1989 Master Plan clearly mandates that the County's historic radial development structure be reinforced. This pattern will continue to sustain the 2/3 rural - 1/3 urban structure of the County, and recognizes planning limitations based on public facilities systems. It should be noted that the underlying zoning throughout the County reflects this structure, with approximately 2/3 of the County presently zoned in Resource Conservation (RC) zoning (See Appendix C).

## General County-wide Guidelines

1. Only those zoning requests that conform to the radial development structure of the County should be granted. Requests for substantial zoning changes to non-residential zones on cross-County roads such as Joppa Road generally should not be supported.
2. Only those zoning requests that maintain the Urban-Rural distinction as defined by the Urban-Rural Demarcation Line should be granted (See Appendix F).
3. Where applicable, the newly created zones(since 1992) should be considered when the placement of this new zone would enhance and protect the surrounding communities. These include the Automotive Service (AS) district, as well as SE, ROA, CB, BLR, and O-3.
4. No zoning changes in the RC 3 (Rural Deferred Planning Designation) should be effected during the 1996 Process, unless demonstrated that the change would further the goals of the Master Plan.
5. With any zoning request, an examination of the adequacy of public facilities such as roads, schools, and sewersheds must occur, in light of the effect of the zoning change on issues of capacity.
6. Zoning requests that adversely impact adjacent residential areas should not be granted.
7. Applicants for non-residential zones must prove that the property can meet the criterion for the placement of that zone. The applicant should show that all zoning and development regulations can be met on the site, especially for parking, setbacks, and landscaping.
8. Where applicable, zoning should be in accordance with all plans adopted as amendments to the Master Plan(see Appendix A).
9. Zoning decisions should reinforce the programs and financial expenditures already undertaken by the County or committed in the Capital Improvement Program.
10. Zoning requests should be reviewed for both their short and long term effects on the financial resources of the County.

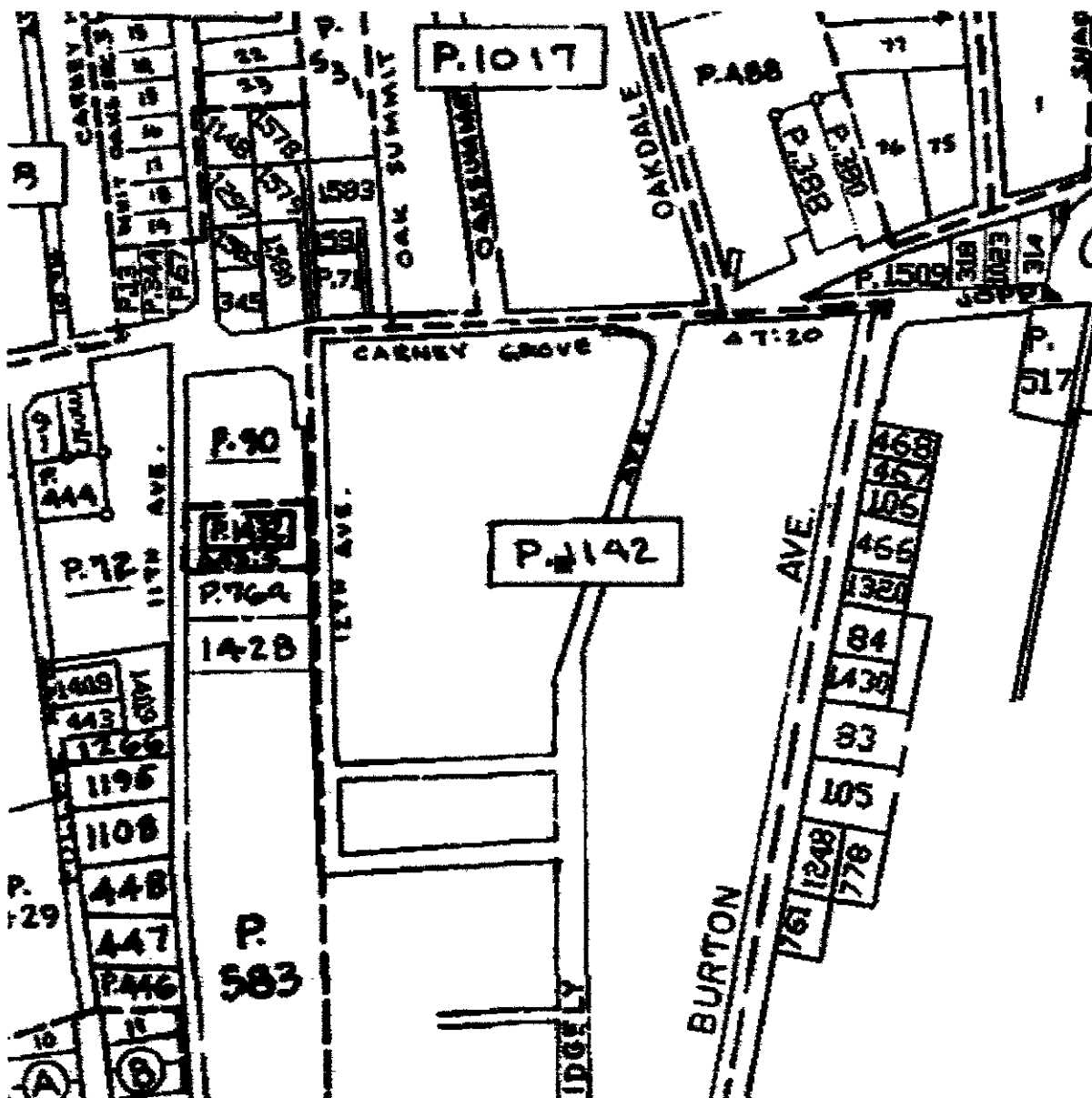


**Maryland Department of Assessments and Taxation**  
**Real Property System**

[Go Back]

**Account ID : 0411123076320**

[Zoom In]



Property maps provided courtesy of the Maryland Office of Planning © 1998.

For more information on electronic mapping applications, visit the Maryland Office of Planning web site at [www.op.state.md.us](http://www.op.state.md.us).

Peoples  
#6


**Real Property  
Information**
**Maryland Department of Assessments and Taxation  
Real Property System**
[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 11 ACCT NO: 1123076320

**Owner Information**

**Owner Name:** BUNDY ROBERT S  
 BUNDY SUSAN M  
**Use:** RESIDENTIAL  
**Mailing Address:** 3239 E JOPPA RD  
 BALTIMORE MD 21234-3306  
**Principal Residence:** NO

**Transferred**

**From:** STANSBURY BARRY R  
**Date:** 04/06/1994 **Price:** \$1  
**Deed Reference:** 1) /10447/ 319  
 2)  
**Special Tax Recapture:**  
 \* NONE \*

**Tax Exempt:** NO

**Location Information** [\[View Map\]](#)

**Premise Address:** 3237 E JOPPA RD  
**Zoning:**  
**Legal Description:** LT 22,23  
 3237 E JOPPA RD  
 CARNEY GROVE  
**Map Grid Parcel Subdiv Sect Block Lot Group Plat No:**  
 71 16 1142 22 82 **Plat Ref:** 7/ 20  
**Special Tax Areas**  
**Town:**  
**Ad Valorem:**

**Primary Structure Data**

**Year Built:** 1930  
**Enclosed Area:** 748 SF  
**Property Land Area:** 15,600.00 SF  
**County Use:** 04

**Value Information**

|                   | Base Value | Current Value | Phase-In Value | Phase-in Assessments |            |
|-------------------|------------|---------------|----------------|----------------------|------------|
|                   |            | As Of         | As Of          | As Of                | As Of      |
|                   |            | 01/01/1997    | 07/01/1999     | 07/01/1998           | 07/01/1999 |
| <b>Land:</b>      | 29,150     | 29,150        |                |                      |            |
| <b>Impts:</b>     | 44,670     | 46,720        |                |                      |            |
| <b>Total:</b>     | 73,820     | 75,870        | 75,870         | 30,070               | 30,340     |
| <b>Pref Land:</b> | 0          | 0             | 0              | 0                    | 0          |

*Peoples #7*

**Partial Exempt Assessments**

|                  | <b>Code</b> | <b>07/01/1998</b> | <b>07/01/1999</b> |
|------------------|-------------|-------------------|-------------------|
| <b>County</b>    | 000         | 0                 | 0                 |
| <b>State</b>     | 000         | 0                 | 0                 |
| <b>Municipal</b> | 000         | 0                 | 0                 |

[\[Go Back\]](#)[\[Start Over\]](#)



**Partial Exempt Assessments**

|                  | <b>Code</b> | <b>07/01/1998</b> | <b>07/01/1999</b> |
|------------------|-------------|-------------------|-------------------|
| <b>County</b>    | 000         | 0                 | 0                 |
| <b>State</b>     | 000         | 0                 | 0                 |
| <b>Municipal</b> | 000         | 0                 | 0                 |

[\[Go Back\]](#)[\[Start Over\]](#)



# Baltimore County Comprehensive Zoning Map Process (1996)

| Task                                                             | Aug-95 | Sep-95 | Oct-95 | Nov-95            | Dec-95            | Jan-96 | Feb-96          | Mar-96          | Apr-96 | May-96 | Jun-96 | Jul-96           | Aug-96 | Sep-96 | Oct-96                                    | Nov-96            |
|------------------------------------------------------------------|--------|--------|--------|-------------------|-------------------|--------|-----------------|-----------------|--------|--------|--------|------------------|--------|--------|-------------------------------------------|-------------------|
| Open Filing Period<br>(8/1/95 - 10/31/95)                        |        |        | ↓      | Log 1<br>11/20/95 |                   |        |                 |                 |        |        |        |                  |        |        |                                           |                   |
| Planning Board<br>Filing Period<br>(11/1/95 - 11/30/95)          |        |        |        | ↓                 | Log 2<br>12/18/95 |        |                 |                 |        |        |        |                  |        |        |                                           |                   |
| County Council<br>Filing Period<br>(12/1/95 - 1/15/96)           |        |        |        |                   | ↓                 |        | Log 3<br>2/1/96 |                 |        |        |        |                  |        |        |                                           |                   |
| Planning Board<br>Public Hearings<br>(4/1/96 - 4/30/96)          |        |        |        |                   |                   |        |                 | Log 4<br>3/4/96 | ↓      |        |        |                  |        |        |                                           |                   |
| Planning Board Review<br>& Recommendations<br>(5/1/95 - 6/30/96) |        |        |        |                   |                   |        |                 |                 |        | ↓      |        | Log 5<br>7/15/96 |        |        |                                           |                   |
| Transmittal Period<br>7/1/96 - 7/31/96                           |        |        |        |                   |                   |        |                 |                 |        |        | ↓      |                  |        |        |                                           |                   |
| County Council<br>Public Hearings<br>(9/2/96 - 9/30/96)          |        |        |        |                   |                   |        |                 |                 |        |        |        |                  | ↓      |        | County Council<br>Adopts Maps<br>10/15/96 |                   |
|                                                                  |        |        |        |                   |                   |        |                 |                 |        |        |        |                  |        |        |                                           | Log 6<br>11/18/96 |

# BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

*Final Log of Issues*

*Adopted October 8, 1996*



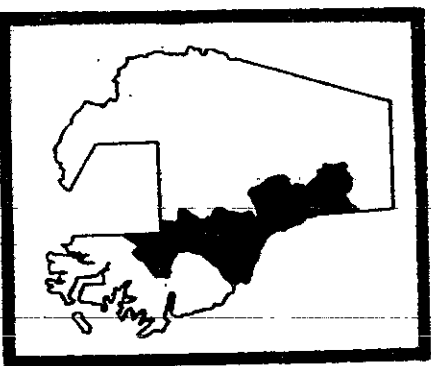
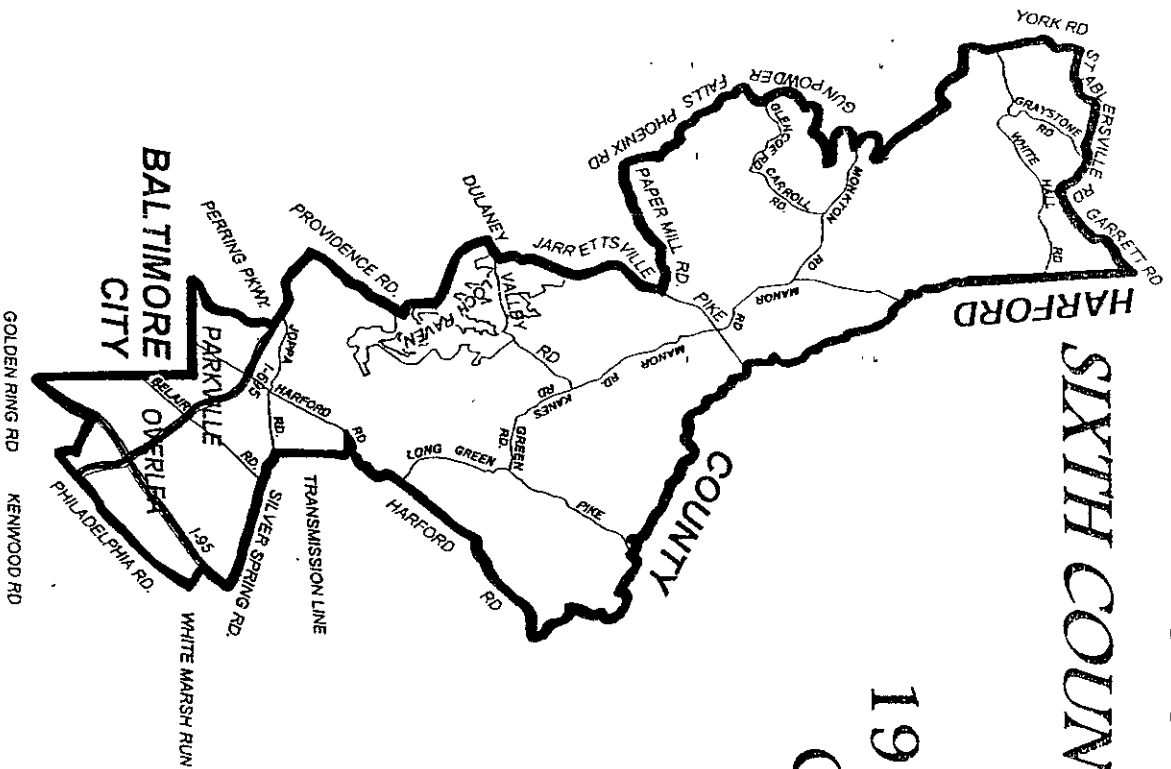
*Pages #10*

*Charles Demko DPC →*

# BALTIMORE COUNTY COUNCIL

## SIXTH COUNCILMANIC DISTRICT

### 1996 COMPREHENSIVE ZONING PROCESS



# Baltimore County 1996 Comprehensive Zoning Map Issues

October 8 1996

| Issue Number | Owner, Petitioner    | Location                                                                                                   | Existing Zoning and Acres                                    | Requested Zoning and Acres   | Planning Board Recommendations                               | County Council Decisions                                     | Comments                                                                            |
|--------------|----------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------|--------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 6-001        | James J. Prosser     | Northeast side of Long Green Pike and Glen Arm Road, 12107 & 12109 Long Green Pike and 5328 Glen Arm Road. | RC 5<br>RO      CR      3,300      1,900<br>Total      5,200 | ML<br>Total      5,200       | RC 5<br>RO      CR      3,300      1,900<br>Total      5,200 | RC 5<br>RO      CR      3,300      1,900<br>Total      5,200 | 11-3, CR-94-143.<br>See Issue 6-017 and 6-018.<br>Board of Appeals approved 9/19/96 |
| 6-002        | Stephen C.C.Hung     | Northwest corner of Joppa Road and Oak Dale Ave.                                                           | DR 5.5<br>Total      0.410                                   | CB or BL<br>Total      0.410 | DR 5.5<br>Total      0.410                                   | DR 5.5<br>Total      0.410                                   |                                                                                     |
| 6-003        | John R. Brooks       | Southwest side of Fork Road, 215' northwest of Harford Road.                                               | RC 5<br>Total      0.610                                     | BL<br>Total      0.610       | BL      CR      0.610<br>Total      0.610                    | RC 5<br>BL      CR      0.360      0.250<br>Total      0.610 | See Issue 6-006. Overlay adopted.                                                   |
| 6-004        | Joseph & Ruth Dieter | East side of Clement Ave., 250' north of Joppa Rd. (8911 & 8913 Clement Ave.).                             | RO<br>Total      0.517                                       | BL<br>Total      0.517       | BL      0.517<br>Total      0.517                            | BL<br>Total      0.517                                       |                                                                                     |

# Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

| Issue Number | Owner, Petitioner | Location | Existing Zoning and Acres | Requested Zoning and Acres | Planning Board Recommendations | County Council Decisions | Comments |
|--------------|-------------------|----------|---------------------------|----------------------------|--------------------------------|--------------------------|----------|
|--------------|-------------------|----------|---------------------------|----------------------------|--------------------------------|--------------------------|----------|

6-005 Anna, Harry, Shirley & Mary  
Hom North side of Joppa Road, 130' west of 8th Ave. (3126 & 3128 E. Joppa Road).

|       |       |       |    |       |       |       |       |
|-------|-------|-------|----|-------|-------|-------|-------|
| RO    | 0.180 | CB    | or | RO    | 0.180 | RO    | 0.180 |
| Total | 0.180 | BL    |    | Total | 0.180 | Total | 0.180 |
|       |       | Total |    |       | 0.180 |       |       |

6-006 Ermellindo Piccinini  
Southwest side of Fork Road, 365' northwest of Harford Road (12620 Fork Road).

|       |       |       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|-------|-------|
| RC 5  | 0.610 | ROA   | 0.610 | RC 5  | 0.610 | RC 5  | 0.610 |
| Total | 0.610 | Total | 0.610 | Total | 0.610 | Total | 0.610 |

See Issue 6-003. Amended by petitioner 5/15/96.

6-007 Staff Issue  
430' northeast of Lennings Ave. and 120' northwest of Lennings Lane.

|        |       |        |       |        |       |        |       |
|--------|-------|--------|-------|--------|-------|--------|-------|
| DR 5.5 | 4.000 | DR 3.5 | 4.000 | DR 3.5 | 4.000 | DR 3.5 | 4.000 |
| Total  | 4.000 | Total  | 4.000 | Total  | 4.000 | Total  | 4.000 |

See Philadelphia Road Corridor Study.

6-008 Staff Issue  
120' northeast of Lennings Lane and 530' northwest of Philadelphia Road (9202 Philadelphia Road).

|        |       |        |       |        |       |        |       |
|--------|-------|--------|-------|--------|-------|--------|-------|
| DR 5.5 | 2.800 | DR 3.5 | 2.800 | DR 3.5 | 2.800 | DR 3.5 | 2.800 |
| Total  | 2.800 | Total  | 2.800 | Total  | 2.800 | Total  | 2.800 |

See Philadelphia Road Corridor Study.

## Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

| Issue Number | Location | Existing | Requested | Planning Board | County Council | Comments |
|--------------|----------|----------|-----------|----------------|----------------|----------|
|--------------|----------|----------|-----------|----------------|----------------|----------|

# Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

| Issue Number | Owner, Petitioner                   | Location                                                                                    | Existing Zoning and Acres | Requested Zoning and Acres | Planning Board Recommendations                   | County Council Decisions                         | Comments |
|--------------|-------------------------------------|---------------------------------------------------------------------------------------------|---------------------------|----------------------------|--------------------------------------------------|--------------------------------------------------|----------|
| 6-020        | Silvio and Rosina Capizzi           | Northeast corner of Oak Summit Ave. and Joppa Road (3228 E. Joppa Road).                    | DR 5.5<br>Total 0.250     | CB or BL<br>Total 0.250    | CB<br>Total 0.250                                | CB<br>Total 0.250                                |          |
| 6-021        | Walter and Regina Ratterman         | West side of Jarrettsville Pike, 1000' north of Paper Mill Road (14346 Jarrettsville Pike). | RC 5<br>Total 1.900       | RO<br>Total 1.900          | RC 5<br>RO CR<br>Total 1.080 0.820 1.900         | RC 5<br>RO CR<br>Total 1.080 0.820 1.900         |          |
| 6-022        | South Perry Hall Improvement Assoc. | South side of Bucks School House Road to south of Perry Hall Blvd. at Rossville Blvd.       | DR 5.5<br>Total 183.000   | DR 3.5<br>Total 183.000    | DR 3.5<br>DR 5.5<br>Total 172.700 10.300 183.000 | DR 3.5<br>DR 5.5<br>Total 172.700 10.300 183.000 |          |

# Baltimore County 1996 Comprehensive Zoning Map Issues

| Issue Number | Owner, Petitioner                   | Location                                                                             | Existing Zoning and Acres                                          | Requested Zoning and Acres                     | Planning Board Recommendations                 | County Council Decisions                                    | Comments                          |
|--------------|-------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------|------------------------------------------------|-------------------------------------------------------------|-----------------------------------|
| 6-023        | South Perry Hall Improvement Assoc. | North side of I-95 east of Rossville Blvd., south of MD 43.                          | <div> DR 5.5 320.000<br/> DR 10.5 98.000<br/> Total 418.000 </div> | <div> DR 3.5 418.000<br/> Total 418.000 </div> | <div> DR 5.5 418.000<br/> Total 418.000 </div> | <div> DR 5.5 418.000<br/> Total 418.000 </div>              |                                   |
| 6-024        | Nicolas Jacobson                    | South side of Joppa Road 200' east of Magleth Road (3327 E. Joppa Road).             | <div> DR 5.5 0.510<br/> Total 0.510 </div>                         | <div> BL AS 0.510<br/> Total 0.510 </div>      | <div> DR 5.5 0.510<br/> Total 0.510 </div>     | <div> BL 0.510<br/> Total 0.510 </div>                      | See Issue 6-052.                  |
| 6-025        | Salvo Construction Company          | Southwest side of Putty Hill Ave., 300' east of Harford Road (3003 Putty Hill Ave.). | <div> DR 5.5 0.220<br/> Total 0.220 </div>                         | <div> RO 0.220<br/> Total 0.220 </div>         | <div> DR 5.5 0.220<br/> Total 0.220 </div>     | <div> RO 0.220<br/> Total 0.220 </div>                      | See Issue 6-032.                  |
| 6-026        | Albert Dunstan Estate               | South side of Stansbury Mill at Dunstan Lane.                                        | <div> RC 2 46.000<br/> Total 46.000 </div>                         | <div> RC 5 46.000<br/> Total 46.000 </div>     | <div> RC 2 46.000<br/> Total 46.000 </div>     | <div> RC 2 10.500<br/> RC 5 35.500<br/> Total 46.000 </div> | See Issue 6-042. Overlay adopted. |

# Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

| Issue Number | Owner, Petitioner           | Location                                                                                             | Existing Zoning and Acres                                                                                                         | Requested Zoning and Acres                                                                                           | Planning Board Recommendations                                                                                       | County Council Decisions                                                                                             | Comments                                         |
|--------------|-----------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| 6-027        | Heng K. Ke                  | West side of Belair Road, 100' southwest of Fuller Ave. (7204 Belair Road).                          | <div>DR 16</div> <div>0.240</div> <div>ROA</div> <div>0.240</div> <div>Total</div> <div>0.240</div>                               | <div>0.240</div> <div>ROA</div> <div>0.240</div> <div>Total</div> <div>0.240</div>                                   | <div>0.240</div> <div>ROA</div> <div>0.240</div> <div>Total</div> <div>0.240</div>                                   | <div>0.240</div> <div>ROA</div> <div>0.240</div> <div>Total</div> <div>0.240</div>                                   |                                                  |
| 6-028        | Ernest Ellis, Jr., et al.   | Northwest side of Belair Road, 250' northeast of intersection with Dunfield Road (8336 Belair Road). | <div>DR 16</div> <div>0.744</div> <div>BL</div> <div>1.330</div> <div>RO</div> <div>0.586</div> <div>Total</div> <div>1.330</div> | <div>1.330</div> <div>DR 5.5</div> <div>0.744</div> <div>CB</div> <div>0.586</div> <div>Total</div> <div>1.330</div> | <div>1.330</div> <div>DR 5.5</div> <div>0.744</div> <div>CB</div> <div>0.586</div> <div>Total</div> <div>1.330</div> | <div>1.330</div> <div>DR 5.5</div> <div>0.744</div> <div>CB</div> <div>0.586</div> <div>Total</div> <div>1.330</div> | See Belair Road Corridor Study. See Issue 6-012. |
| 6-029        | Gholamali Delkhoo           | South side of Joppa Road, 100' west of Burton Ave. (3307 E. Joppa Road).                             | <div>DR 5.5</div> <div>0.340</div> <div>BL</div> <div>0.340</div> <div>Total</div> <div>0.340</div>                               | <div>0.340</div> <div>BL</div> <div>0.340</div> <div>Total</div> <div>0.340</div>                                    | <div>0.340</div> <div>BL</div> <div>0.340</div> <div>Total</div> <div>0.340</div>                                    | <div>0.340</div> <div>BL</div> <div>0.340</div> <div>Total</div> <div>0.340</div>                                    |                                                  |
| 6-030        | The Manor Area Assoc., Inc. | Northeast side of Old York Road, north of Hess Road.                                                 | <div>BL</div> <div>3.000</div> <div>CR</div> <div>3.000</div> <div>Total</div> <div>3.000</div>                                   | <div>3.000</div> <div>CR</div> <div>3.000</div> <div>Total</div> <div>3.000</div>                                    | <div>3.000</div> <div>CR</div> <div>3.000</div> <div>Total</div> <div>3.000</div>                                    | <div>3.000</div> <div>CR</div> <div>3.000</div> <div>Total</div> <div>3.000</div>                                    |                                                  |



# Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

| Issue Number | Owner, Petitioner                     | Location                                                                      | Existing Zoning and Acres                      | Requested Zoning and Acres                 | Planning Board Recommendations                 | County Council Decisions                   | Comments                   |
|--------------|---------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------|------------------------------------------------|--------------------------------------------|----------------------------|
| 6-035        | Alex Vincent Gonzales                 | Southeast corner of Harford and Edgewood Roads (8913 Harford Road).           | <div>RO 0.340</div> <div>Total 0.340</div>     | <div>BL 0.340</div> <div>Total 0.340</div> | <div>RO 0.340</div> <div>Total 0.340</div>     | <div>CB 0.340</div> <div>Total 0.340</div> | See Issue 6-057 and 6-058. |
| 6-036        | Mary K. Petr                          | South side of Joppa Road, 180' east of Walther Blvd. (3525 E. Joppa Road).    | <div>DR 5.5 0.182</div> <div>Total 0.182</div> | <div>RO 0.182</div> <div>Total 0.182</div> | <div>DR 5.5 0.182</div> <div>Total 0.182</div> | <div>RO 0.182</div> <div>Total 0.182</div> |                            |
| 6-037        | Fantom & Gahs Greenhouses Partnership | South side of East Joppa Road, 325' east of Jasper Lane (3611 E. Joppa Road). | <div>DR 5.5 2.670</div> <div>Total 2.670</div> | <div>BL 2.670</div> <div>Total 2.670</div> | <div>BL 2.670</div> <div>Total 2.670</div>     | <div>BL 2.670</div> <div>Total 2.670</div> | See Issue 6-038.           |
| 6-038        | Vernon and Ellen Roberts              | South side of East Joppa Road, 500' west of Simms Ave. (3613 E. Joppa Road).  | <div>DR 5.5 1.890</div> <div>Total 1.890</div> | <div>BL 1.890</div> <div>Total 1.890</div> | <div>CB 1.890</div> <div>Total 1.890</div>     | <div>BL 1.890</div> <div>Total 1.890</div> | See Issue 6-037.           |

# Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

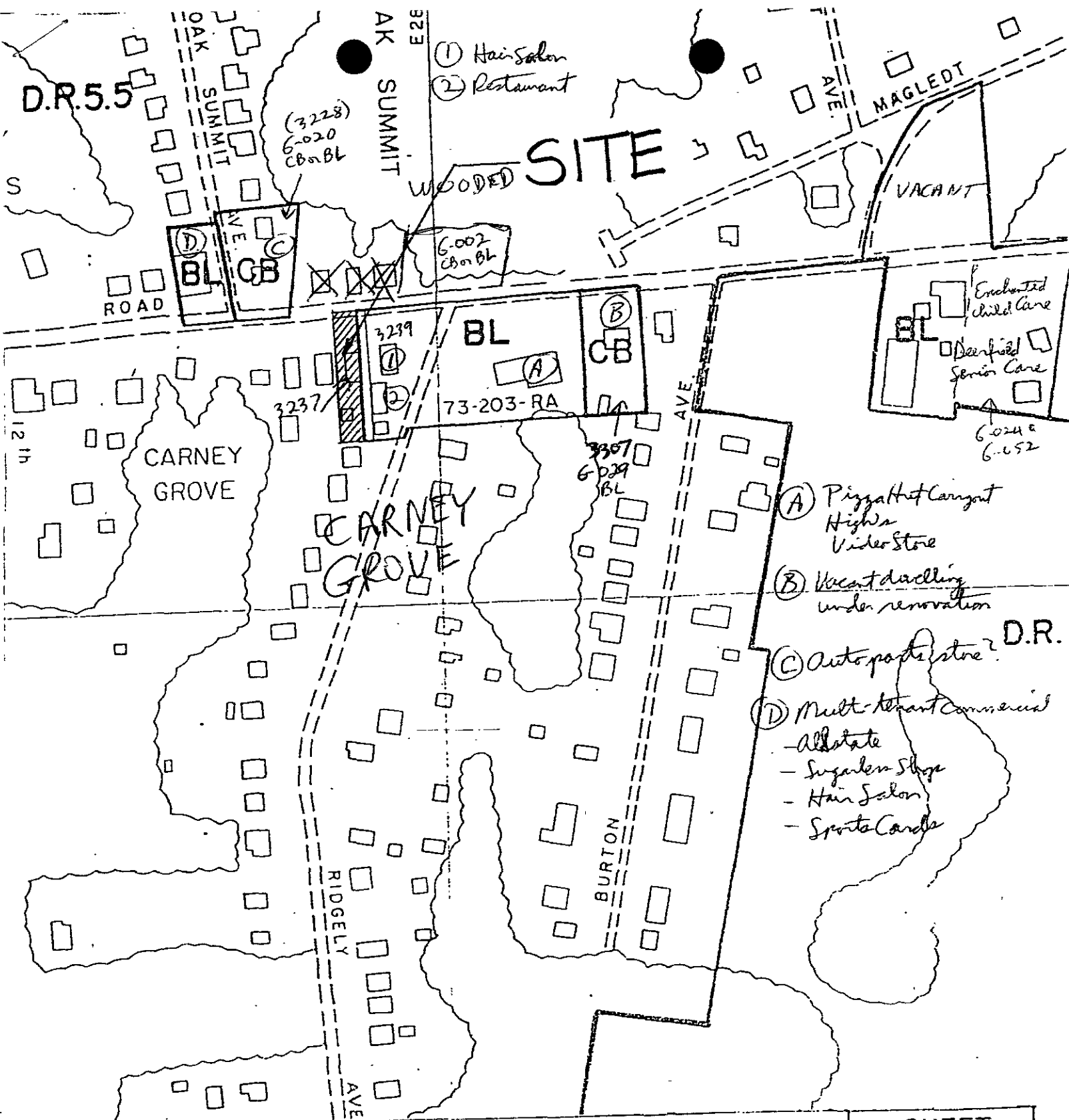
| Issue Number | Owner, Petitioner                              | Location                                                                   | Existing Zoning and Acres                                                                                      | Requested Zoning and Acres                                                                                     | Planning Board Recommendations                                                                                 | County Council Decisions | Comments |
|--------------|------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------|----------|
| 6-047        | Kolk Farm                                      | East of Manor Road south of Hydes Road.                                    | <div>RC 2</div> <div>39.000</div> <div>RC 5</div> <div>39.000</div> <div>Total</div> <div>39.000</div>         | <div>RC 2</div> <div>39.000</div> <div>Total</div> <div>39.000</div>                                           | <div>RC 2</div> <div>39.000</div> <div>Total</div> <div>39.000</div>                                           |                          |          |
| 6-048        | PGA Rossville LLC, AGP Fitch Ave. Partnership. | Northeast corner of Rossville Blvd. and Fitch Ave. (4414 Fitch Ave.).      | <div>MLR</div> <div>IM</div> <div>1.630</div> <div>BR</div> <div>1.630</div> <div>Total</div> <div>1.630</div> | <div>MLR</div> <div>IM</div> <div>1.630</div> <div>BR</div> <div>1.630</div> <div>Total</div> <div>1.630</div> | <div>MLR</div> <div>IM</div> <div>1.630</div> <div>BR</div> <div>1.630</div> <div>Total</div> <div>1.630</div> |                          |          |
| 6-049        | Graham Ltd. Partnership Trustees               | Northeast corner of Sweet Air Road and Hampshire Knob Drive.               | <div>BL</div> <div>CR</div> <div>0.791</div> <div>BL</div> <div>0.791</div> <div>Total</div> <div>0.791</div>  | <div>BL</div> <div>CR</div> <div>0.791</div> <div>BL</div> <div>0.791</div> <div>Total</div> <div>0.791</div>  | <div>BL</div> <div>CR</div> <div>0.791</div> <div>BL</div> <div>0.791</div> <div>Total</div> <div>0.791</div>  |                          |          |
| 6-050        | C. Ronald Myers                                | South side of Joppa Road, 270' east of Teaberry Lane (3403 E. Joppa Road). | <div>DR 5.5</div> <div>0.990</div> <div>BL</div> <div>0.990</div> <div>Total</div> <div>0.990</div>            | <div>DR 5.5</div> <div>0.990</div> <div>BL</div> <div>0.990</div> <div>Total</div> <div>0.990</div>            | <div>DR 5.5</div> <div>0.990</div> <div>BL</div> <div>0.990</div> <div>Total</div> <div>0.990</div>            |                          |          |

# Baltimore County 1996 Comprehensive Zoning Map Issues

Page 12  
October 8, 1996

| Issue Number | Owner, Petitioner         | Location                                                                                | Existing Zoning and Acres                         | Requested Zoning and Acres         | Planning Board Recommendations     | County Council Decisions           | Comments         |
|--------------|---------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------|
| 6-051        | Josef L. Gehring          | West side of Harford Road, 200' north of Joppa Road (9612, 9614 and 9618 Harford Road). | RO 1.810<br><u>Total 1.810</u>                    | BL 1.810<br><u>Total 1.810</u>     | RO 1.810<br><u>Total 1.810</u>     | BL 1.810<br><u>Total 1.810</u>     | See Issue 6-043. |
| 6-052        | Heritage Properties, Inc. | South side of Joppa Road 200' east of Magleed Road (3321-3327 E. Joppa Road).           | DR 5.5 0.633<br><u>Total 0.633</u>                | BL 0.633<br><u>Total 0.633</u>     | DR 5.5 0.633<br><u>Total 0.633</u> | BL 0.633<br><u>Total 0.633</u>     | See Issue 6-024. |
| 6-053        | Joan and William Kline    | East side of Manor Road, north of Hydes Road (13401 Manor Road).                        | RC 2 85.840<br>RC 5 11.700<br><u>Total 97.540</u> | RC 5 97.540<br><u>Total 97.540</u> | RC 2 97.540<br><u>Total 97.540</u> | RC 2 97.540<br><u>Total 97.540</u> | See Issue 6-016. |
| 6-054        | Debra and Wayne Sullivan  | Southeast corner of Rossville Blvd. and Gumspring Road (7535 Gumspring Road).           | DR 3.5 1.600<br><u>Total 1.600</u>                | BL 1.600<br><u>Total 1.600</u>     | DR 3.5 1.600<br><u>Total 1.600</u> | DR 3.5 1.600<br><u>Total 1.600</u> | See Issue 6-015. |

D.R. 5.5



SCALE

1" = 200' ±

LOCATION

SHEET

11/6/98

3/8/99

N. E.

DATE

OF

PHOTOGRAPHY

JANUARY

1986

PARKVILLE

R-99-184

9-E

Peoples #11


**Real Property  
Information**
**Maryland Department of Assessments and Taxation  
Real Property System**
[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 11 ACCT NO: 1101035650

**Owner Information**

Owner Name: ROPKA GARY D

Use: RESIDENTIAL

Mailing Address: 3235 E JOPPA RD  
BALTIMORE MD 21234-3306

Principal Residence: YES

**Transferred**

From: ALESSI EVELYN R

Date: 02/24/1995 Price: \$64,000

Deed Reference: 1) /10952/ 444  
2)

Special Tax Recapture:

\* NONE \*

Tax Exempt: NO

**Location Information [View Map]**

Premise Address:

Zoning:

Legal Description:

3235 E JOPPA RD

LT 20,21

3235 E JOPPA RD

CARNEY GROVE

Map Grid Parcel Subdiv Sect Block Lot Group Plat No:

71 16 1142

20 82 Plat Ref: 7/ 20

Special Tax Areas

Town:

Ad Valorem:

**Primary Structure Data**

Year Built:

Enclosed Area:

Property Land Area:

County Use:

1925

736 SF

7,350.00 SF

04

**Value Information**

|            | Base Value | Current Value | Phase-In Value | Phase-in Assessments |            |
|------------|------------|---------------|----------------|----------------------|------------|
|            |            | As Of         | As Of          | As Of                | As Of      |
|            |            | 01/01/1997    | 07/01/1999     | 07/01/1998           | 07/01/1999 |
| Land:      | 27,080     | 27,080        |                |                      |            |
| Impts:     | 37,170     | 39,150        |                |                      |            |
| Total:     | 64,250     | 66,230        | 66,230         | 26,220               | 26,490     |
| Pref Land: | 0          | 0             | 0              | 0                    | 0          |

*People 12 A*


**Real Property  
Information**
**Maryland Department of Assessments and Taxation  
Real Property System**
[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 11 ACCT NO: 1700003421

**Owner Information**

**Owner Name:** DELKHOON GHOLAMALI      **Use:** RESIDENTIAL  
**Mailing Address:** 9706 OAKDALE AVE  
 BALTIMORE MD 21234-1830      **Principal Residence:** NO

**Transferred**

**From:** WOODWARD FELTON M      **Date:** 06/30/1995      **Price:** \$45,000

**Deed Reference:** 1) /11184/ 517      **Special Tax Recapture:**

2)

\* NONE \*

**Tax Exempt:** NO

**Location Information** [\[View Map\]](#)

**Premise Address:**      **Zoning:**      **Legal Description:**

3307 E JOPPA RD

PT LT 34-37

3307 E JOPPA RD

CARNEY GROVE

| Map | Grid | Parcel | Subdiv | Sect | Block | Lot | Group | Plat No:               |
|-----|------|--------|--------|------|-------|-----|-------|------------------------|
| 71  | 16   | 1142   |        |      |       | 34  | 82    | <b>Plat Ref:</b> 7/ 20 |

**Special Tax Areas**
**Town:**
**Ad Valorem:**
**Primary Structure Data**

| Year Built: | Enclosed Area: | Property Land Area: | County Use: |
|-------------|----------------|---------------------|-------------|
| 1929        | 1,545 SF       | 15,020.00 SF        | 04          |

**Value Information**

|                   | Base Value | Current Value | Phase-In Value | Phase-in Assessments |            |
|-------------------|------------|---------------|----------------|----------------------|------------|
|                   |            | As Of         | As Of          | As Of                | As Of      |
|                   |            | 01/01/1997    | 07/01/1999     | 07/01/1998           | 07/01/1999 |
| <b>Land:</b>      | 29,000     | 29,000        |                |                      |            |
| <b>Impts:</b>     | 7,370      | 7,950         |                |                      |            |
| <b>Total:</b>     | 36,370     | 36,950        | 36,950         | 14,700               | 14,780     |
| <b>Pref Land:</b> | 0          | 0             | 0              | 0                    | 0          |

Peoples DB


**Real Property  
Information**
**Maryland Department of Assessments and Taxation  
Real Property System**
[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 11 ACCT NO: 1123000250

**Owner Information**

**Owner Name:** CAPIZZI SILVIO  
 CAPIZZI ROSINA  
**Use:** COMMERCIAL  
**Mailing Address:** 3228 E JOPPA RD  
 BALTIMORE MD 21234-3336  
**Principal Residence:** YES

**Transferred**
**From:** WILLIAMS CRAIG A **Date:** 08/14/1995 **Price:** \$87,000

**Deed Reference:** 1) /11164/ 134  
 2)  
**Special Tax Recapture:**  
 REZONED REAL PROPERTY

**Tax Exempt:** NO

**Location Information [View Map]**

**Premise Address:** 3228 JOPPA RD  
**Zoning:** CB  
**Legal Description:** LTS 8-9-10 PT 11  
 3228 EAST JOPPA RD NS  
 OAK SUMMIT

**Map Grid Parcel Subdiv Sect Block Lot Group Plat No:**  
 71 16 1017 8 80 **Plat Ref:** 7/ 84

**Special Tax Areas**  
**Town:**  
**Ad Valorem:**

**Primary Structure Data**

**Year Built:** 1948  
**Enclosed Area:** 905 SF  
**Property Land Area:** 15,930.00 SF  
**County Use:** 06

**Value Information**

|            | Base Value | Current Value | Phase-In Value | Phase-in Assessments |            |
|------------|------------|---------------|----------------|----------------------|------------|
|            |            | As Of         | As Of          | As Of                | As Of      |
|            |            | 01/01/1998    | 07/01/1999     | 07/01/1998           | 07/01/1999 |
| Land:      | 29,230     | 41,930        |                |                      |            |
| Impts:     | 56,860     | 44,860        |                |                      |            |
| Total:     | 86,090     | 86,790        | 86,556         | 34,520               | 34,620     |
| Pref Land: | 0          | 0             | 0              | 0                    | 0          |

Peoples  
12 C

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**Report by the Baltimore County Planning Board  
to the Baltimore County Board of Appeals**

**ZONING  
RECLASSIFICATION  
PETITIONS**

**Cycle IV, 1998/99**

**January 21, 1999**



*Peoples #13*

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**Report by the Baltimore County Office of Planning  
to the Baltimore County Planning Board**

**ZONING  
RECLASSIFICATION  
PETITIONS**

**Cycle IV, 1998/99**

**November 30, 1998**





Baltimore County  
Office of Planning

401 Bosley Avenue  
Towson, Maryland 21204  
(410) 887 3211  
Fax: (410) 887-5862

**TO:** Members  
Baltimore County Planning Board

**DATE:** November 30, 1998

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

In the current cycle, the Baltimore County Board of Appeals accepted two zoning reclassification petitions. In compliance with the Baltimore County Code, recommendations on the petitions are submitted in the attached report.

The Planning Board is scheduled to review the petitions on January 7, 1999, and to make final recommendations on January 21, 1999. The Planning Board's report must be submitted to the Baltimore County Board of Appeals no later than January 29, 1999.

The Board of Appeals has tentatively scheduled hearings on these petitions and will advertise these hearings as required. Hearings are set to take place on March 9, 1999 (Case No. R-99-184) and March 23, 1999 (Case No. CR-99-185-XA).

A handwritten signature in cursive script that reads "Pat Keller".

Arnold F. 'Pat' Keller, III

AFK:JL

Attachment

## Introduction

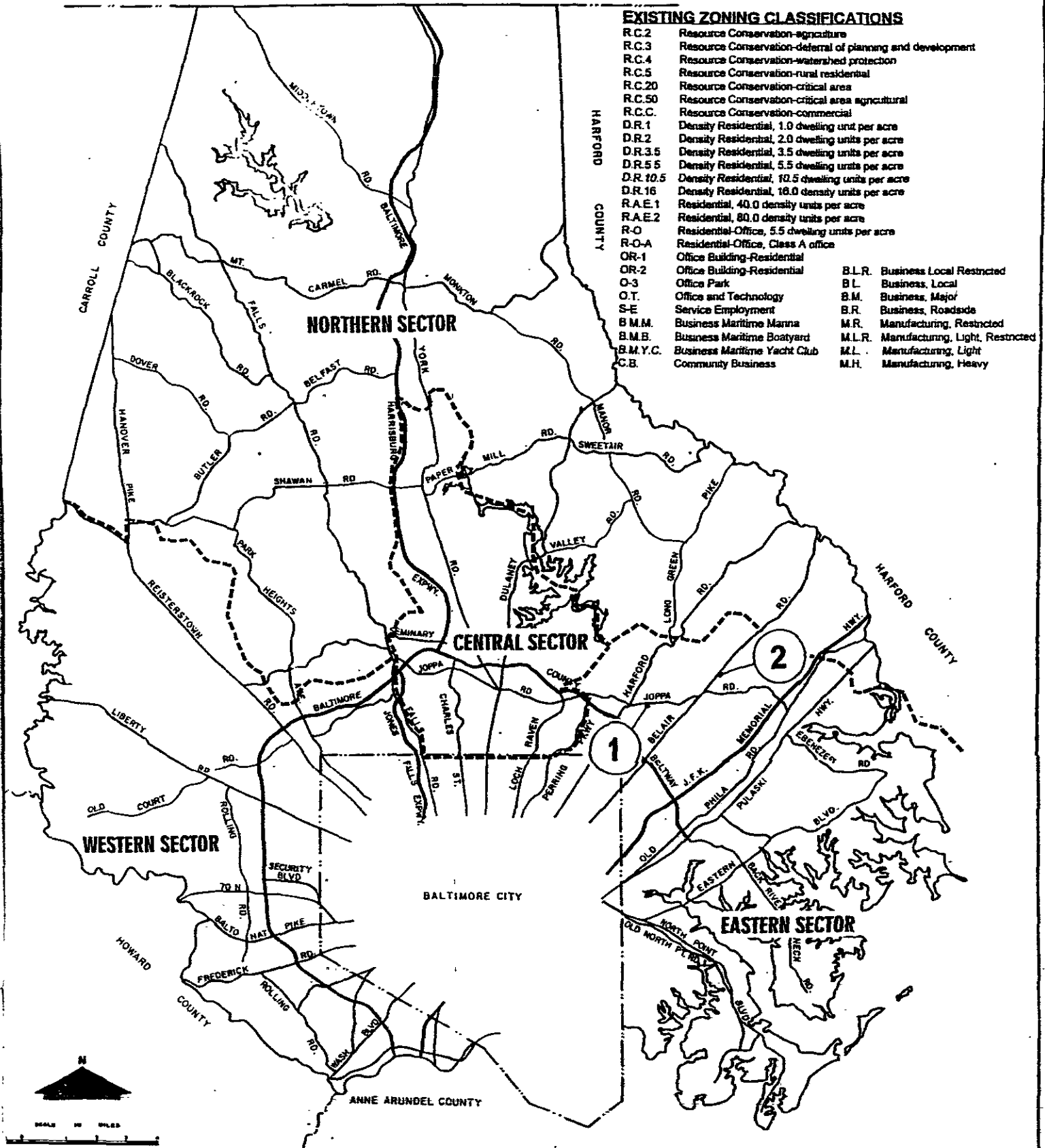
Under the provisions of Section 2-356(e), Baltimore County Code, 1988, (see Appendix A), the Director of Planning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.
2. Recommendations on the petitions.
3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.
4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The two petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning staff's analysis and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan, and a review of the 1996 Comprehensive Zoning Map Process. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering and Transportation Planning.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356 (j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356 (k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 8, 1996] was established in error."

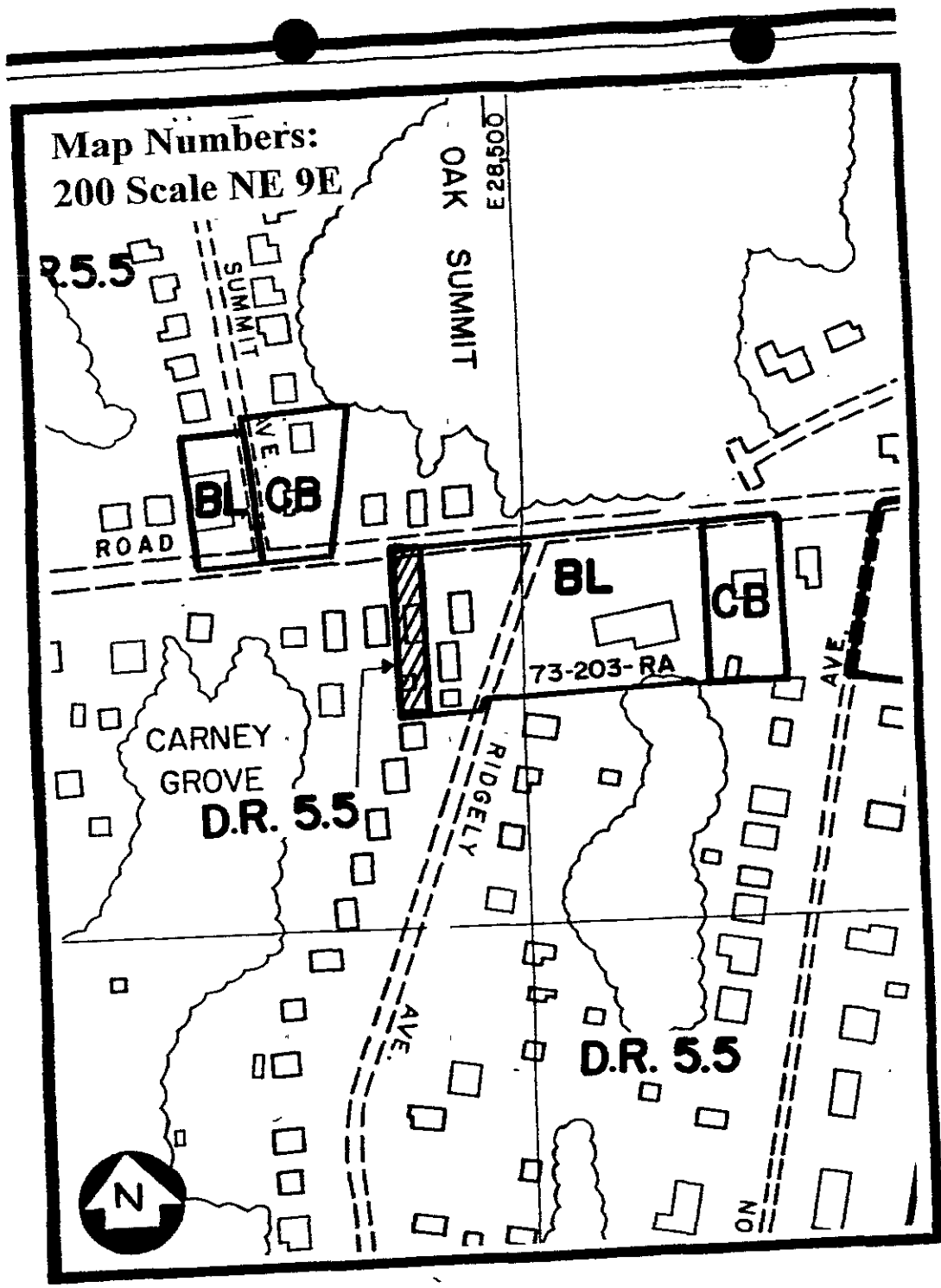
# LOCATIONS OF PROPERTIES UNDER PETITION CYCLE IV — OCTOBER 1998 — APRIL 1999



### SOURCE MATERIAL

Recommendations for the two petitions filed are based on the following:

1. Information compiled during the processing of the Comprehensive Zoning Map adopted by the County Council on October 8, 1998;
2. Capital Budget and 5-Year Capital Program;
3. Zoning Plans Advisory Committee comments;
4. Discussions with other governmental agencies;
5. Field inspections of subject sites; and
6. Baltimore County Master Plan.



ITEM NUMBER 1  
Location of Property Under Petition

Scale: 1" = 200'

**CASE NO:**

R-99-184

**PETITIONERS:**

Robert and Susan Bundy

**REQUESTED ACTION:**

Reclassification to BL (Business Local)

**EXISTING ZONING:**

DR 5.5 (Density Residential 5.5)

**LOCATION:**

3237 East Joppa Road (125 feet west of Ridgely Avenue)

**AREA OF SITE:**

6,240 square feet (part of a 7,878-square foot parcel)

**ZONING of ADJACENT PROPERTY/USE:**

|        |        |             |
|--------|--------|-------------|
| North: | DR 5.5 | Vacant land |
| South: | DR 5.5 | Residential |
| East:  | BL     | Commercial  |
| West:  | DR 5.5 | Residential |

**PROPERTIES IN THE VICINITY:**

The surrounding area is predominantly residential and partly commercial. Adjacent properties to the west and south of the site are zoned DR 5.5 and are used for single family detached dwellings. The adjacent property to the north, across Joppa Road, is zoned DR 5.5 and is undeveloped. Across Ridgely Avenue, on the south side of Joppa Road, there is a multi-tenant commercial building on a BL zoned parcel and a vacant dwelling on a CB zoned parcel.

A short distance west of the site, on the northeast corner of Joppa Road and Oak Summit Avenue, there is a former dwelling zoned CB. On the northwest corner, there is a multi-tenant commercial building zoned BL.

**SITE DESCRIPTION:**

The 6,240 square foot site, which is the subject of the rezoning request, is part of a parcel totaling 7,878 square feet. The subject site is zoned DR 5.5 while the remainder of the parcel, a 10'x159' strip of land along the eastern side of the parcel, is zoned BL.

The subject site is improved with a one-story dwelling that suffers from deferred maintenance. The site has direct access to Joppa Road. There is 40 feet of frontage on Joppa Road. The balance of the petitioners' parcel has an additional 10 feet of frontage on Joppa Road.

The petitioners own the adjacent parcel, known as 3239 East Joppa Road, which is zoned BL. It is located on the southwest corner of Joppa Road and Ridgely Avenue and appears to be less than 0.2 of an acre in size. Two commercial uses (a restaurant and a hair salon) in two separate buildings exist on the site. This property is deficient in the following areas: (1) small site size; (2) unattractive buildings; (3) excessive building coverage; (4) insufficient and undefined parking area along Ridgely Avenue resulting in the need for drivers to back up directly onto Ridgely Avenue; (5) no landscaping; and (6) unattractive signage.

The petitioners note in their supporting document that if the requested rezoning to BL is approved, the subject property would be integrated with their existing BL zoned corner property to provide for an economically viable commercial activity. They note that all of the structures on the adjoining property are architecturally inconsistent, and they expect to improve or replace the existing structures for the betterment of the community. Unfortunately, the petitioners did not elect to submit a documented site plan for both properties. A documented plan would have enabled this office to consider both sites owned by the petitioner. An open site plan precludes such a review in a cycle zoning case.

#### **WATER AND SEWERAGE:**

The site and surrounding area are served by public water and public sewer and are designated as W-1, S-1 (Existing Service Area) according to the Master Water and Sewer Plan.

#### **TRAFFIC AND ROADS:**

Joppa Road is a five-lane principal arterial road. Ridgely Avenue, located just east of the site, is a narrow local road which provides access to the Carney Grove and Upton Village residential communities.

The intersection of Joppa Road and Ridgely Avenue is not signalized. The site is located within the travel shed of the Joppa Road and Harford Road signalized intersection which is identified as level of service "D" on the 1998 Basic Services Map.

#### **ZONING HISTORY:**

The site has been zoned DR 5.5 since prior to 1976.



#### **MASTER PLAN/COMMUNITY PLANS:**

The Proposed Land Use Map, adopted by the Baltimore County Planning Board on June 15, 1995, shows the site as being located within an area designated for Single Family Detached Residential.

The Growth Management Areas Map, adopted by the Baltimore County Planning Board on June 15, 1995, shows the site as being located within the Community Conservation Area.

#### **PROPOSED vs. EXISTING ZONING:**

The use regulations for the DR, BL and CB zones may be found in Sections 1B01.1A, 230.1 and 229.4A of the Baltimore County Zoning Regulations, respectively.

The DR 5.5 zone permits a density of 5.5 dwelling units per acre.

The primary purpose of the CB zone is to provide for the daily shopping and service needs of nearby residents through small businesses that do not generate large amounts of traffic at any one time.

The BL zone allows a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. Density is regulated by a floor area ratio of 3.0. However, density is realistically limited by parking requirements and economic constraints.



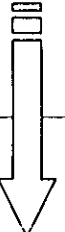

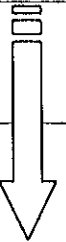

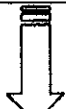
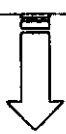
#### **OFFICE OF PLANNING RECOMMENDATION:**

Based upon the information provided and analysis conducted, the Planning staff recommends that the existing DR 5.5 classification be retained. Because of the subject site's location proximate to a commonly owned commercial property and the condition of both properties, it would be prudent to examine the subject property (and the adjacent property) in the next comprehensive zoning map process. At this time, the office would consider recommending rezoning both parcels to CB (Community Business) as part of the 2000 Comprehensive Zoning Map Process thereby encouraging redevelopment of both parcels as a single project.

#### **MISTAKE/CHANGE/ERROR:**

Based upon the information provided and analysis conducted, the Office of Planning can find no justification to indicate that the property's zoning classification is in error.

Baltimore County  
2000 Comprehensive Zoning Map Process

| Task                                                             | Aug-99                                                                              | Sep-99 | Oct-99 | Nov-99                                                                               | Dec-99                                                                              | Jan-00       | Feb-00 | Mar-00       | Apr-00                                                                              | May-00                                                                              | Jun-00                                                                              | Jul-00 | Aug-00 | Sep-00                                                                              | Oct-00                                                                              | Nov-00         |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------|--------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------|--------|--------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------|--------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------|
| Open Filing Period<br>(8/2/99-11/1/99)                           |  |        |        | Log 1<br>11/22                                                                       |                                                                                     |              |        |              |                                                                                     |                                                                                     |                                                                                     |        |        |                                                                                     |                                                                                     |                |
| Planning Board<br>Filing Period<br>(11/1/99-1/30/99)             |                                                                                     |        |        |  | Log 2<br>12/20                                                                      |              |        |              |                                                                                     |                                                                                     |                                                                                     |        |        |                                                                                     |                                                                                     |                |
| County Council<br>Filing Period<br>(12/1/99-1/18/00)             |                                                                                     |        |        |                                                                                      |  | Log 3<br>2/1 |        |              |                                                                                     |                                                                                     |                                                                                     |        |        |                                                                                     |                                                                                     |                |
| Planning Board<br>Public Hearings<br>(4/1/00-4/30/00)            |                                                                                     |        |        |                                                                                      |                                                                                     |              |        | Log 4<br>3/6 |  |                                                                                     |                                                                                     |        |        |                                                                                     |                                                                                     |                |
| Planning Board Review<br>And Recommendations<br>(5/1/00-6/30/00) |                                                                                     |        |        |                                                                                      |                                                                                     |              |        |              |                                                                                     |  |                                                                                     |        |        |                                                                                     |                                                                                     |                |
| Transmittal Period<br>(7/1/00-7/31/00)                           |                                                                                     |        |        |                                                                                      |                                                                                     |              |        |              |                                                                                     |                                                                                     |  |        |        |                                                                                     |                                                                                     |                |
| County Council<br>Public Hearings<br>(9/1/00-9/30/00)            |                                                                                     |        |        |                                                                                      |                                                                                     |              |        |              |                                                                                     |                                                                                     |                                                                                     |        |        |  |                                                                                     |                |
| County Council<br>Adoption of Maps<br>(Before 10/16/00)          |                                                                                     |        |        |                                                                                      |                                                                                     |              |        |              |                                                                                     |                                                                                     |                                                                                     |        |        |                                                                                     |  | Log 6<br>11/20 |

ROBERT S. BUNDY, SR., AND SUSAN M.  
BUNDY - Legal Owners /Petitioners  
S/s Joppa Road, 125' +/- W of the  
centerline of Ridgley Avenue  
(3237 E. Joppa Road)

~~R-98-~~ *R-99-84*  
CYCLE IV, 1998  
11th Election District  
6th Councilmanic District

Reclassification: From D.R. 5.5 to B.L.  
0.14 acre /Open Plan

August 27, 1998

Petition for Reclassification filed by Ronald A. Decker,  
Esquire, on behalf of Robert S. Bundy, Sr., and Susan M.  
Bundy, Petitioners.

~~Ronald A. Decker, Esquire~~  
~~MOORE, CARNEY, RYAN & LATTANZI~~  
4111 E. Joppa Road, Suite 201  
Baltimore, MD 21236

Counsel for Petitioners

Robert S. Bundy, Sr. and  
Susan M. Bundy  
2129 Cox Road  
Jarrettsville, MD 21084

*c/o R Decker* Petitioners

Thomas J. Hoff, Inc.  
406 W. Pennsylvania Avenue  
Towson, MD 21204

James Earl Kraft  
Baltimore County Board of Education  
Mail Stop 1102-J

People's Counsel for  
Baltimore County

Pat Keller  
Jeffrey Long  
Lawrence E. Schmidt  
W. Carl Richards, Jr.  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM



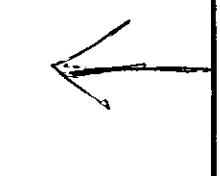




# PLANIMETRICS WITH ORTHOPHOTO PLOT



5-23-97  
PAC

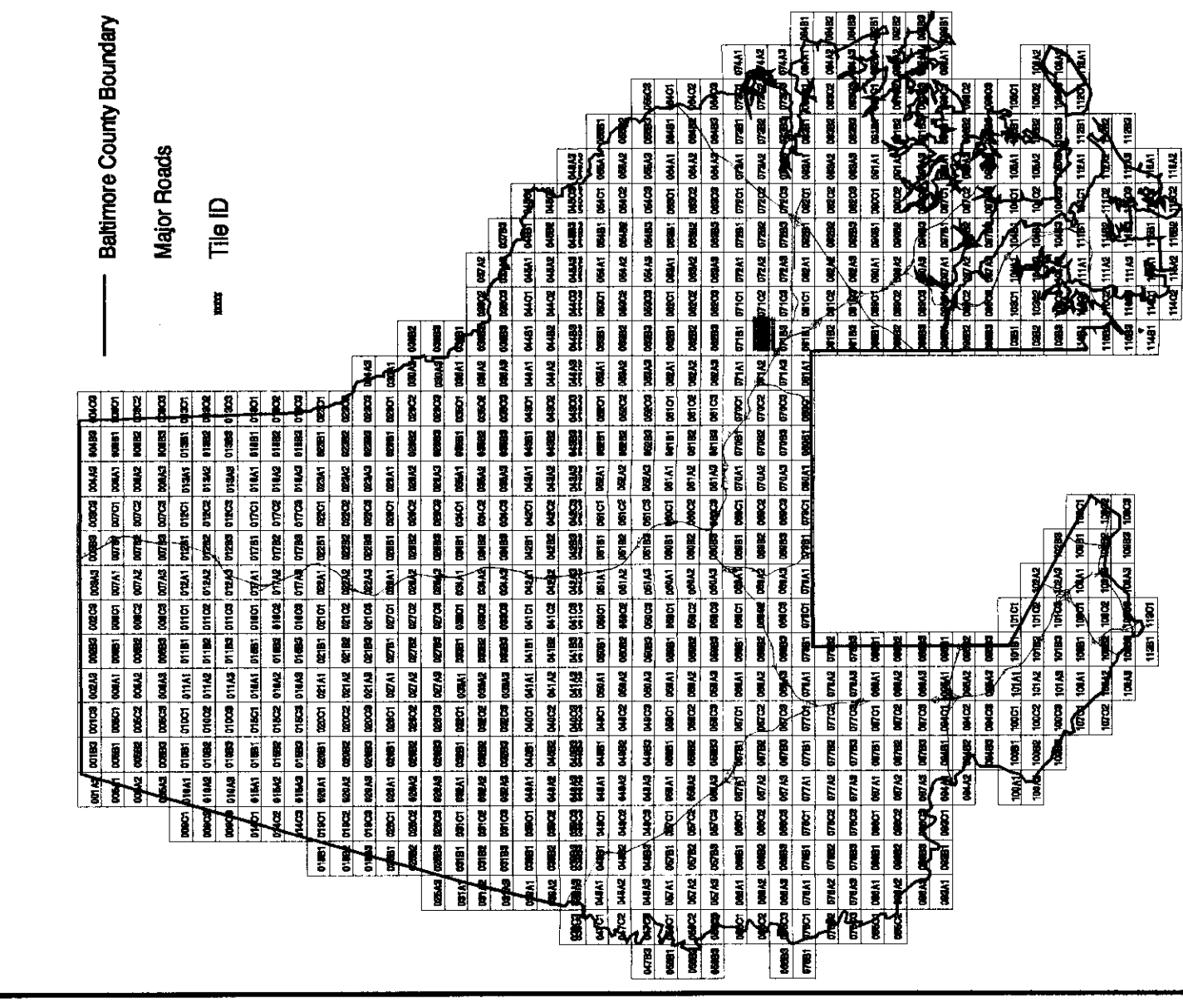
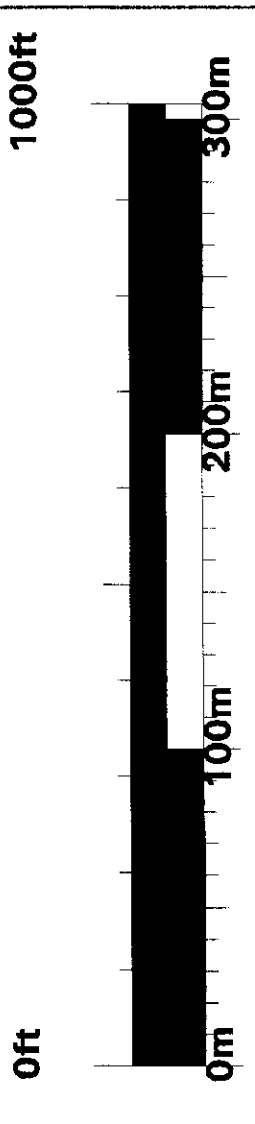


SUBJECT PROPERTY

## Legend

- |                                                      |                                             |
|------------------------------------------------------|---------------------------------------------|
| Mapsheet Index                                       | Ramp Centerlines                            |
| Residential Buildings                                | Recreational Areas, Golf Courses            |
| Commercial Buildings                                 | Commercial Pools                            |
| Institutional Buildings                              | Bike/Hike Areas                             |
| Garages and Other Structures                         | Athletic Fields, Tennis Courts, Playgrounds |
| Buildings Under Construction                         | Natural Hydrography                         |
| Toll Booths and Rail Stations                        | Reservoirs                                  |
| Water Towers and Storage Tanks                       | SW Retention Ponds                          |
| Culverts                                             | Bay Area                                    |
| Paved Roads                                          | Boat Ramps, Piers, Dams, and Bulkheads      |
| Unpaved Roads                                        | Drainage Connector                          |
| Paved Alleys                                         | Culverts                                    |
| Unnamed Roads                                        | Headwall/Footwall                           |
| Hidden Roads, Roads Under Construction               | Hidden Hydrography                          |
| Road Intersections                                   | Index Contour                               |
| Paved Parking Lots, Driveways, Runways, Taxiways     | Intermediate Contour                        |
| Bridges and Overpasses                               | Index Depression Contour                    |
| Turned Portal                                        | Intermediate Depression Contour             |
| Rail Line                                            | Obscured Index Contour                      |
| Hidden Rail Line                                     | Obscured Intermediate Contour               |
| Abandoned Rail                                       | Obscured Index Depression Contour           |
| Metro Rail                                           | Obscured Intermediate Depression Contour    |
| Light Rail                                           | Hidden Contour                              |
| Transmission Line                                    | Neatline                                    |
| Pipeline                                             | Radio Towers                                |
| Junkyards, Landfills, Quarries, Gravel and Sand Pits | Transmission Towers                         |
| Areas Under Construction, Power Stations             | Microwave Transmitters                      |
| Race Tracks, Cemeteries                              | Spot Elevations                             |
| Wooded Areas, Orchards/Nurseries                     | Water Elevations                            |
| Tree Rows                                            | Bridge Elevations                           |
| Wetlands/Swamps                                      | Roof Top Elevations                         |
| State Plane Grid Lines                               |                                             |
| Street Centerlines                                   |                                             |
| Alley Centerlines                                    |                                             |

1:2400



Baltimore County - OIT GIS Services Unit

Layers:

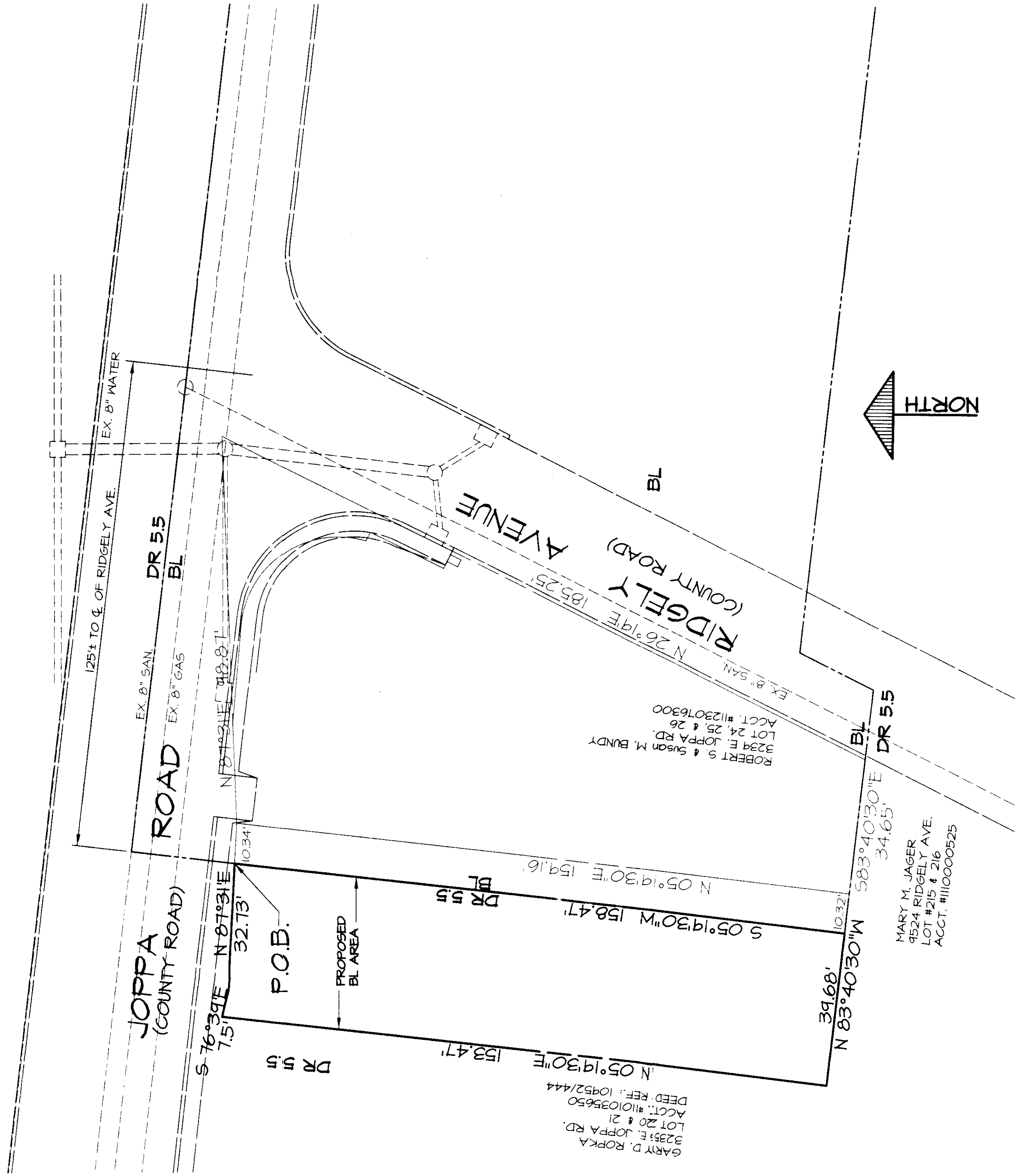
- INDEX, BLDG, ROADS, CLINE, TRANS
- CULT, VEG, REC, HYDROL, HYDROP
- COMM, SPOT, TOPO, ORTHO

Coordinate System:

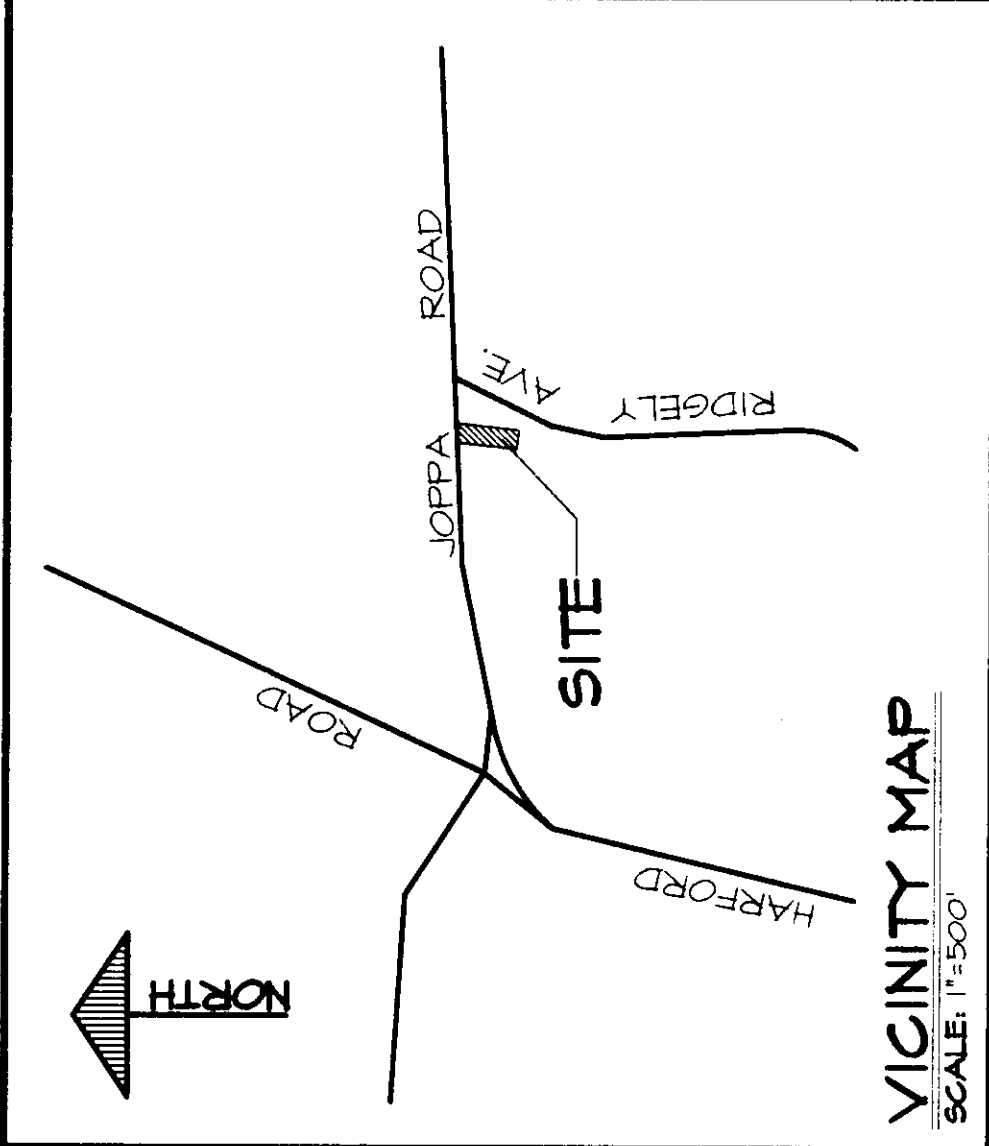
Maryland State Plane: NAD83/91 Horiz. Datum  
Elevations in Feet: NAVD88 Vertical Datum  
Date of Data Capture: March 1995

5-23-97  
PAC





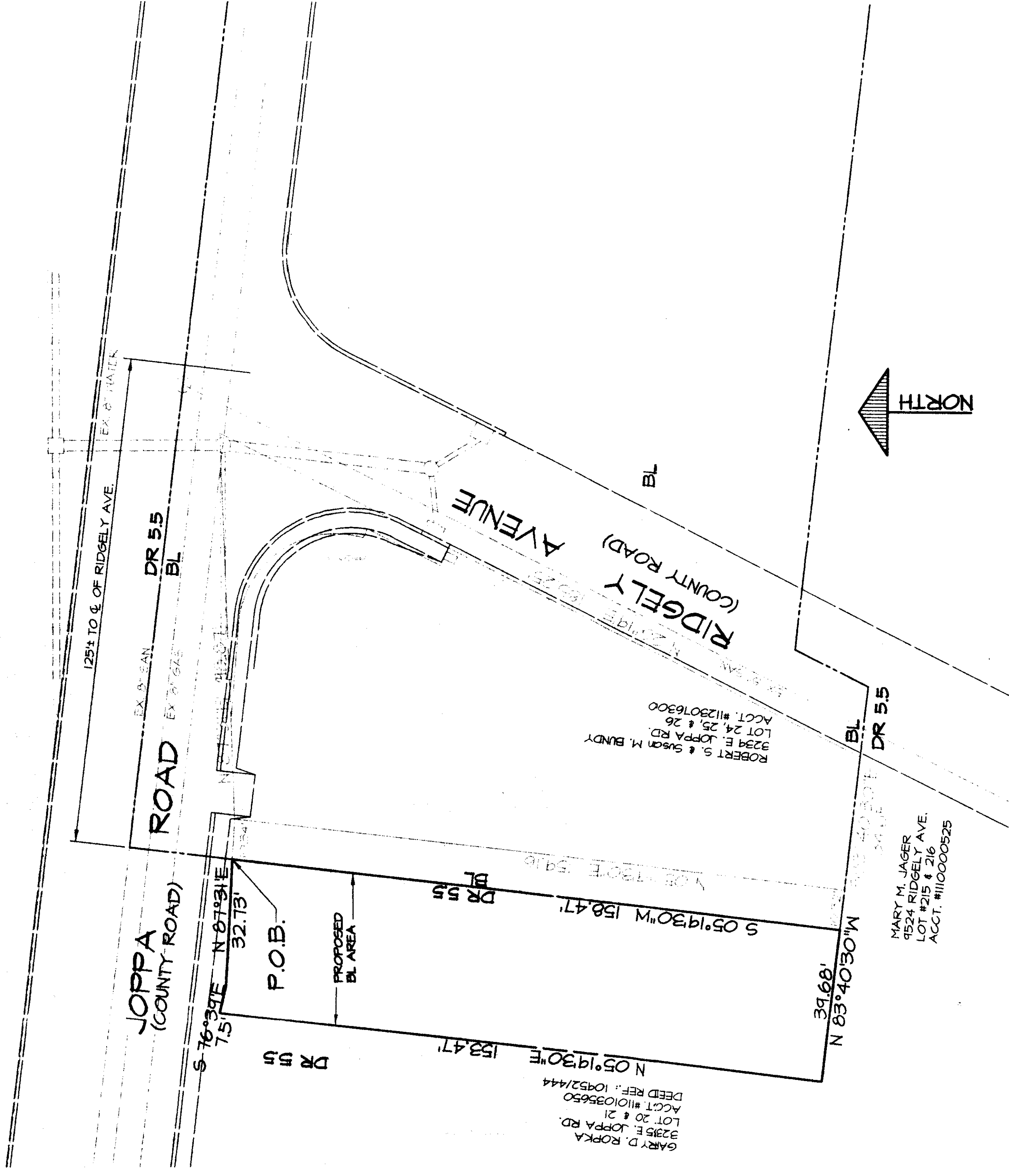
**OWNER:**  
Robert S. & Susan M. Bundy  
2124 Cox Road  
Jarrattsville, MD 21084  
TEL: 410-862-2215  
DEED REF: #10447/314  
TAX ACCOUNT #125076320



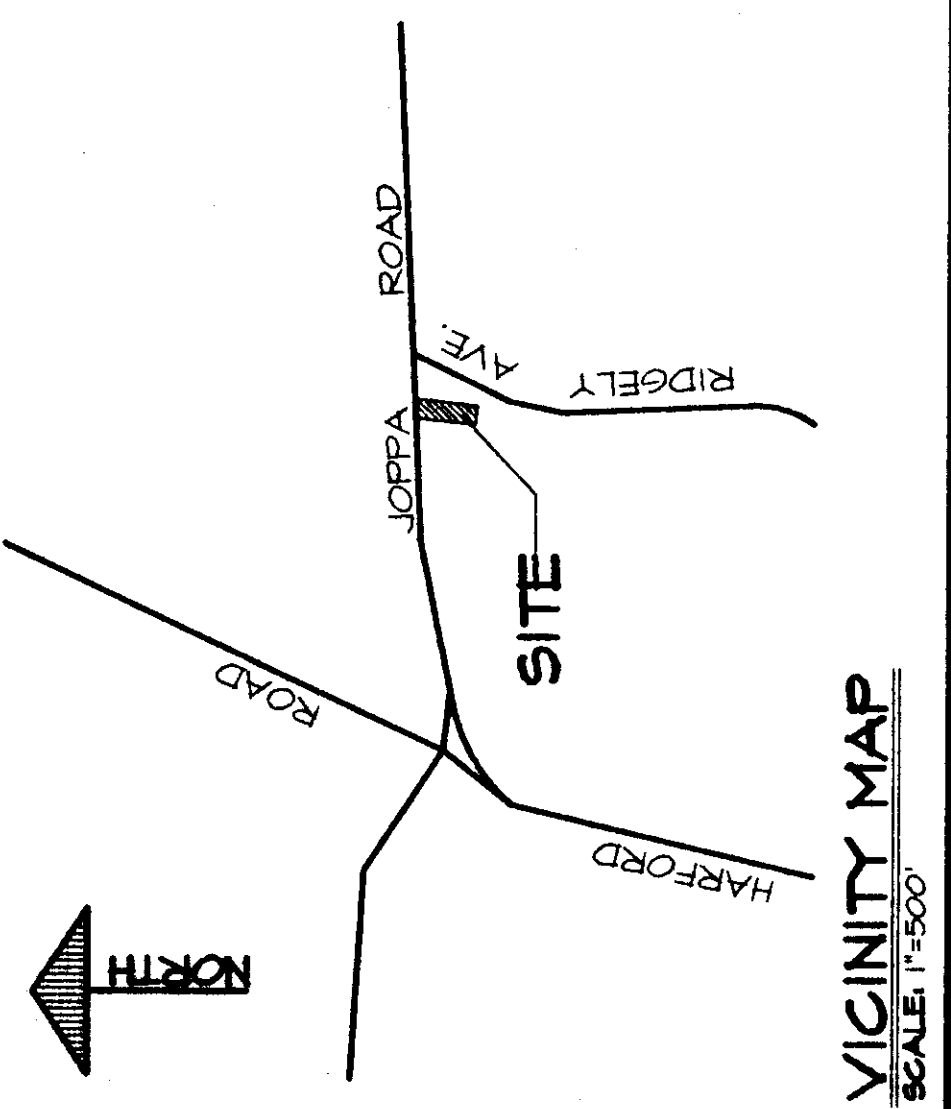
**SITE DATA:**  
AREA IN DR 55 ZONE: 6.240±  
EXISTING ZONING: DR 55  
PROPOSED ZONING: BL  
ZONING MAP: #NE-4-E

- NOTES:**
- THE BOUNDARY LINES SHOWN HEREON WERE TAKEN FROM AN EXISTING LOCATION SURVEY BY RUXTON DESIGN CORPORATION DATED 6/9/91.
  - SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA OR A 100 YEAR FLOODPLAIN.
  - SITE IS NOT WITHIN A MORATORIUM AREA OR AN AREA WHERE BASIC SERVICES MAPS CURRENTLY EXISTS PER SECTION 4402 (BCZR).

|                                                                                                                               |                                               |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| UNDOCUMENTED PLAN TO ACCOMPANY<br>RECLASSIFICATION PETITION                                                                   |                                               |
| ROBERT & SUSAN BUNDY PROPERTY<br>3237 East Joppa Road                                                                         |                                               |
| CARNEY GROVE SUBDIVISION<br>TAX MAP #71, GRID #16, PARCEL #1142, LOTS 22 & 23<br>ELECTION DISTRICT II<br>BALTIMORE COUNTY, MD |                                               |
| THOMAS J. HOFF, INC.                                                                                                          | REVISIONS:<br>10/27/98 T.J.H.<br>PER COMMENTS |
| Land Development Consultants and Landscape Architects                                                                         | SCALE: 1"=20'                                 |
| DRAWING NUMBER:                                                                                                               | DATE: 8/25/98                                 |
| ZON-I                                                                                                                         | JOB NO.: 347-01                               |
|                                                                                                                               | DESIGNED: T.J.H.                              |
|                                                                                                                               | DRAWN: S.L.V.                                 |
|                                                                                                                               | CHECKED:                                      |
|                                                                                                                               | SHEET 1 OF 1                                  |
|                                                                                                                               | E:\DRAWINGS\347.DWG                           |



**OWNER:**  
Robert S. & Susan M. Bundy  
2124 Cox Road  
Joppa, MD 21094  
TEL.: 410-892-2273  
DEED REF. #10447/314  
TAX ACCOUNT #1123076320



**SITE DATA:**  
AREA IN DR 55 ZONE: 6.2408  
EXISTING ZONING: DR 55  
PROPOSED ZONING: BL  
ZONING MAP: #NE-4-E  
EXISTING USE: DWELLING  
PROPOSED USE: COMMERCIAL

**NOTES:**

- THE BOUNDARY LINES SHOWN HEREON WERE TAKEN FROM AN EXISTING LOCATION SURVEY BY RIXTON DESIGN CORPORATION DATED 6/9/11.
- SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA OR A 100 YEAR FLOODPLAIN.
- SITE IS NOT WITHIN A MORTUARY AREA OR AN AREA WHERE BASIC SERVICES MAPS CURRENTLY EXIST PER SECTION 4A02 (B&Z).
- EXISTING DWELLING IS NOT OWNER OCCUPIED AND IS A RENTAL PROPERTY.

*Handwritten notes:*  
Ridgely  
Joppa  
Ridgely  
Joppa  
Ridgely  
Joppa

|                                                                                                                                                                          |                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>UNDOCUMENTED PLAN TO ACCOMPANY<br/>RECLASSIFICATION PETITION</b>                                                                                                      |                 |
| <b>ROBERT &amp; SUSAN BUNDY PROPERTY</b><br>3237 East Joppa Road                                                                                                         |                 |
| CARNEY GROVE SUBDIVISION<br>TAX MAP #11, GRID #16, PARCEL #1142, LOTS 22 & 23<br>ELECTION DISTRICT II<br>BALTIMORE COUNTY, MD                                            |                 |
| REVISIONS:                                                                                                                                                               | SCALE: 1"=20'   |
| DATE: 8/25/98                                                                                                                                                            | JOB NO: 347-01  |
| DESIGNED: TJH                                                                                                                                                            | DRAWN: SLV      |
| CHECKED:                                                                                                                                                                 | DRAWING NUMBER: |
| <b>THOMAS J. HOFF, INC.</b><br>Land Development Consultants and Landscape Architects<br>408 W. Pennsylvania Ave.<br>Baltimore, MD 21204<br>410-298-3668<br>FAX: 298-5328 |                 |
| <b>ZON-I</b>                                                                                                                                                             |                 |
| SHEET                                                                                                                                                                    | OF              |
| E: DRAWINGS \347.DWG                                                                                                                                                     |                 |